

CITY COUNCIL AGENDA
CITY OF SANFORD, NORTH CAROLINA
January 5, 2016, 7:00 P.M., CITY HALL



1. **MEETING CALLED TO ORDER**
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **PUBLIC COMMENT**
5. **APPROVAL OF AGENDA**
6. **CONSENT AGENDA**
 - A. Approval of City Council Meeting Minutes Dated December 1, 2015 – (Pages 4 - 10)
 - B. Approval of Law and Finance Committee Meeting Minutes Dated December 8, 2015 – (Pages 11 - 15)
7. **SPECIAL AGENDA**
8. **CASES FOR PUBLIC HEARING**
 - A. **Public Hearing – Economic Development Incentives - Core-Mark Distributors, Inc.**
 - Consider Adoption of Resolution Authorizing the Expenditure of Funds for an Economic Development Project and Approving an Agreement with Core-Mark Distributors, Inc. - (Pages 16 - 17)
 - Consider Adoption of Economic Development Incentive Grant Agreement with Core-Mark Distributors, Inc. - (Pages 18 - 26)

B. Public Hearing – Economic Development Incentives - Project Winter

- Consider Adoption of Resolution Authorizing the Expenditure of Funds for an Economic Development Project and Approving an Agreement for Project Winter – (Pages 27 - 28)
- Consider Adoption of Economic Development Incentive Grant Agreement for Project Winter - (Pages 29- 38)

9. DECISIONS ON PUBLIC HEARINGS

A. Application by ACA/PJA, LLC - to rezone a vacant 0.73 acre +/- tract of land addressed as 2111 Dalrymple Street from Residential-Mixed (R-6) to General Commercial (C-2). The property is the same as depicted on Lee County Tax Maps 9552.14 and 9652.15 as Tax Parcel 9652-53-0151-00 Lee County Land Records. – (Pages 39 - 42)

- Consider Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina - (Rezone from Residential-Mixed (R-6) to General Commercial (C-2) – (Pages 43 - 44)

OR

- Consider Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina - (Rezone from Residential-Mixed (R-6) to Neighborhood Commercial (NC) – (Pages 45 - 46)

B. Application by Ryders Downs, LLC - to rezone 50.11 acres +/- from the current zoning of Ryder Downs Apartments & Lakeview Townhomes MF-12 Multi-family Residential Conditional Zoning District (Revision #1) to Ryder Downs Apartments & Lakeview Townhomes MF-12 Multi-family Residential Conditional Zoning District (Revision #2) to allow for the development of a multi-family apartment and townhome community with revisions to the design as originally approved in October of 2006 and as approved with revisions in January of 2015. The subject property is located along the west side of Pendergrass Road, just north of the intersection of Belford Drive and includes property formerly addressed as 1718 and 1726 Pendergrass Road and currently addressed as 500-583 Ryder Lake Drive, 100-328 Saddlebrook Drive and 400-479 Trotter Drive. The subject property is the same as depicted on Tax Map 9631.01, Tax Parcel 9631-36-3857-00, Lee County Land Records.- (Pages 47 - 51)

- Consider Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina – (Pages 52 – 57)

10. REGULAR AGENDA

A. Consideration of a preliminary major subdivision plat for a 52 lot townhome community that is part of the Ryder Downs Apartments & Lakeview Townhomes project. This community will be served by public water, public sanitary sewer and

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public streets (all City maintained) with a proposed connection to Belford Drive. The subject property is a portion of a 50.11 acre tract, located within the corporate limits of the City of Sanford and owned by Ryder Downs, LLC. – (Pages 58 - 59)
This item to be considered only if the revised rezoning request for this project is approved.

- B. Consider Presentation of Financial Summary Overview for FY Ending June 30, 2015 – (Page 60)
- C. Consider URP 2016 Local Match for January Application – (Page 61)
- D. Consider Report on GovDeals Auction Results – (Page 62)

11. OTHER BUSINESS

12. ADJOURNMENT

MINUTES OF MEETING OF THE
CITY COUNCIL OF THE CITY OF SANFORD
SANFORD, NORTH CAROLINA

The City Council met at the Sanford Municipal Center, 225 E. Weatherspoon Street, on Tuesday, December 1, 2015, at 7 P.M., in Council Chambers. The following people were present:

Mayor T. Chet Mann
Council Member Byron Buckels
Council Member Jimmy Haire
Council Member Charles Taylor
Council Member Rebecca Wyhof
City Attorney Susan Patterson

Mayor Pro Tem James Williams
Council Member Sam Gaskins
Council Member Norman Charles Post, III
City Manager Hal Hegwer
City Clerk Bonnie Davis

ORGANIZATIONAL SESSION

Mayor Mann called the organizational session to order and introduced Representative David R. Lewis, who administered the oath of office to Council Member Charles Taylor. Mayor Mann administered the oath of office to Council Member Byron Moses Buckels, Council Member Rebecca Wyhof and Council Member Jimmy Haire.

Mayor Mann called the meeting to order. Pastor Greg Davenport (of Vineyard Assembly of God Church) delivered the invocation. The Pledge of Allegiance was recited.

APPOINTMENT OF MAYOR PRO TEMPORE

Mayor Mann entertained a motion to elect a Mayor Pro Tempore. Council Member Williams explained that the previous Board decided that this position would be rotated after each election and any Council member interest in serving should let the other members know. Council Member Gaskins was the only member who expressed an interest.

Council Member Williams nominated Council Member Gaskins to serve as Mayor Pro Tempore; the motion was seconded by Council Member Wyhof. Council Member Taylor nominated Council Member Williams, if he would be willing, but Mr. Williams declined. After confirming there were no other nominations, Mayor Mann closed the nominations. The motion to appoint Council Member Sam Gaskins as Mayor Pro Tempore passed unanimously.

APPROVAL OF AGENDA

Council Member Post made a motion to approve the Agenda as amended; seconded by Council Member Buckels, the motion carried unanimously.

CONSENT AGENDA

Approval of City Council Meeting Minutes Dated September 22, 2015 (filed in Minute Book 85)

Approval of City Council Meeting Minutes Dated November 17, 2015 (filed in Minute Book 85)

Mayor Pro Tem Gaskins made the motion to approve the Consent Agenda. Seconded by Council Member Haire, the motion carried unanimously.

DECISION ON PUBLIC HEARING

Application by Caman Properties to rezone a vacant 0.32 acre +/- tract of land addressed as 121 Wilson Road from Residential Single-Family (R-20) to General Commercial (C-2). The property is the same as depicted on Lee County Tax Map 9661.01 as Tax Parcel 9661-07-2313-00 Lee County Land Records (Exhibit A)

Amy McNeill, Design Review Coordinator, explained that the public hearing on this request was held on November 17, 2015. She also stated that the Sanford Planning Board recommends that Council support this request as presented since it appears to be consistent with the 2020 Land Use Plan, is reasonable and in the public interest.

- Consider Adoption of Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina (Exhibit B)
Council Member Post made a motion to approve the adoption of the ordinance; seconded by Council Member Buckels, the motion carried unanimously.

REGULAR AGENDA

Consideration of a Preliminary Major Subdivision Plat for a 13-lot commercial subdivision zoned General Commercial (C-2) to be served by public water, public sanitary sewer and public streets (all City maintained) with a proposed connection to Tramway Road (SR 1398). The subject property is 20.05 acres +/- in size, located within the corporate limits of the City of Sanford and owned by Tramway One Associates, PLLC – (Exhibit C)

Council Member Post asked to be recused from this item since a majority of his law partners are partners in Tramway One Associates, PLLC. Council Member Wyhof made a motion that Member Post be recused on this item; seconded by Council Member Taylor, the motion carried unanimously.

Amy McNeill, Design Review Coordinator, explained that the Applicant/Owner seeks preliminary plat approval for a 13 lot commercial subdivision located within the city's corporate limits. All lots are proposed to be served by public water, public sewer and are city maintained public streets, with the exception of Lot Number 5 which has frontage on Jefferson Davis Highway/US Highway 1 (NCDOT maintained). She summarized details on the property, including the tax parcel proposed to be subdivided (9631-65-5307), zoning (General Commercial, C-2); total size (approximately 20 acres), proposed lots and zoning (13 lots proposed with minimum lot size in this zoning district of 5,000 square feet).

Ms. McNeill explained that the plat was reviewed by the Sanford/Lee County Technical Review Committee on September 24, 2015. Approval by DENR (Department of Environment and Natural Resources) will be required if more than an acre is disturbed and DOT approval will be required for the proposed public street connection to Tramway Road. The preliminary plat will be valid for two years, if approved by City Council, and all public utilities (water, sanitary sewer, streets) must be installed or a financial guarantee must be posted prior to recording the final plat (all financial guarantees must also be accepted by Council). The Sanford Planning Board reviewed this plat on November 17, 2015, and recommends that Council approve it as presented since it appears to comply with major subdivision requirements of the UDO.

There was discussion as to whether the property owner will contribute to the cost of the sewer line extension (approximately 7,000 feet), estimated to be approximately \$1,053,290. A grant

of \$200,000 was awarded to the City by the Golden Leaf Foundation toward the cost of the project, bringing the estimated cost to approximately \$853,290. Council Member Taylor noted that city residents who petition for water or sewer extensions are assessed a fee and questioned whether there is statutory authority to assess a fee to the applicant for the extension.

Public Works Director Victor Czar explained that sewer service was extended to this area to benefit the Veterans Administration facility, currently under construction and adjacent to the subject property. The cost of extending service from that line to lots shown on the plat will be paid for by the developer. Connection fees have not yet been established but are being researched and considered. He noted that the intention of extending sewer service was to stimulate growth and development in this area (including the area along Carthage Street where there is a "doughnut hole" in the city limits) without requiring the developer to pay the entire cost, which could be prohibitive.

Mr. Taylor questioned whether this case would set the precedent for similar situations in the future and whether fees could be collected after the preliminary plat is approved. City Manager Hegwer explained that no precedent has been set and that a mechanism for assessing fees will be established. Approving the plat does not permit the developer to connect to sewer service. Mr. Czar added that any fees assessed would likely apply to all property owners inside the basin served by the extension, not only the applicant. The fee will not be based strictly on cost, but likely on the size of the water tap since that has an effect on the amount of sewer used. The Public Works Department will likely recommend that a water-availability fee be assessed to anyone requesting connection to either of these systems. He also noted that higher density would result in more connections per acre and revenue could possibly exceed the cost. He noted that the intent is to stimulate growth in certain areas and installation of sewer lines to key areas has been a development concern.

Mr. Taylor questioned how assessment fees would be determined if the number of connections is unknown. Mr. Czar explained that a consultant has been employed to assist with this and there is a reasonable nexus that must take place between the fee and what it is intended to cover, noting that many factors go into this determination.

City Manager Hegwer noted that the City's policy has not changed in the last twenty years. There is no new policy nor is there a policy specifically addressing this issue. It is unlikely that the VA Clinic will be charged for their connection since the intent was to provide sewer service to that facility and a grant was received reducing that expense. He emphasized that before any connections are made to the system, there will be a mechanism to determine fees, and Council will be involved in this. A strategy will be considered to encourage development, maximize growth and produce the desired infill and density.

Council Member Taylor questioned whether the preliminary plat could be approved with a stipulation that connection fees be included. Mayor Mann noted that Council has worked on a Wastewater Master Plan for the past year in order to encourage business. The basin covered by this sewer line extension is located in an area where development is increasing as a result of construction of the VA Clinic and that many will benefit, not only the lots shown on the preliminary plat.

City Attorney Patterson noted that the issue is not extending the waterline; that decision was made about a year ago. This extension was handled differently since the City would participate to

encourage economic development in a particular area by taking advantage of grant opportunities. The issue is approval of the preliminary plat and whether ordinance requirements have been met for a subdivision of land. If the subdivision requirements of the ordinance have been met, as Planning staff confirmed, Council is to consider whether to approve the subdivision; approval with a contingency is not for consideration. Mrs. Patterson stated her opinion that conditions could not be placed if ordinance requirements had been met, and requested confirmation from Planning staff. Community Development Director Marshall Downey stated that based on his knowledge, Council could not place conditions on approval which are not related to plat or design guidelines as indicated in the ordinance.

City Manager Hegwer pointed out that portions of the sewer line shown on the plat are not part of the Tramway sewer line extension project. They are extensions of that project and it is not uncommon for municipalities to take advantage of grant opportunities by investing additional funds in utility projects to provide additional benefits to properties other than the original target (in this case, the VA Clinic).

There was discussion of the future thoroughfare corridor shown on the plat as an extension of Pendergrass Road. Public Works Director Czar explained that DOT has funded a project in the Tramway area and he has reviewed various conceptual designs. The exact location has not yet been determined but it will be in that general area in an attempt to divert traffic congestion. Mr. Downey explained that generally, a project is indicated in an attempt to identify corridors so property owners have an idea of key links and major connections in a community; however, this does not prevent development in a specific area. He noted that with properties in this area, there has been communication and an attempt has been made to reserve space or at least acknowledge there are areas where plans could be amended and updated to reflect potential changes in the area.

Council Member Wyhof observed that a road designated "Veterans Way" was shown on the plat, but since Council recently approved renaming a portion of another street "Veterans Way", this must be changed. She also requested clarification on when sewer connection fees are assessed relative to connection. Mr. Downey explained that once a preliminary plat is approved, the applicant can begin installing infrastructure, which must be completed within two years. A final plat must then be approved, and only after approval can utilities be connected or a performance bond secured (which must be approved by Council).

Public Works Director Victor Czar explained there are two models for collecting fees: with building permits or when the final plat is recorded. Staff will likely suggest using building permits, which is more manageable. Connection fees wouldn't be due until connection is requested.

Attorney Patterson noted that a revision has been made in the law regarding availability fees and mandatory connections, effective August 2016. Counties and cities are treated differently under this change, which will be reviewed to determine how it would affect this situation.

- Consider Approval of Preliminary Major Subdivision Plat for a 13-lot commercial subdivision zoned General Commercial (C-2) to be served by public water, public sanitary sewer and public streets (all City maintained) with a proposed connection to Tramway Road (SR 1398). The subject property is 20.05 acres +/- in size, located within

the corporate limits of the City of Sanford and owned by Tramway One Associates, PLLC – (Exhibit D)

Mayor Pro Tem Gaskins made a motion to approve the Preliminary Plat; Council Member Haire seconded the motion, which passed by a vote of six to one (Council Member Taylor cast the dissenting vote).

Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2015-2016 (Exhibit E)

Financial Services Director Beth Kelly explained that this amendment allows for an additional material at the Compost facility, “unscreened compost with clay mixture” which is to be charged at the rate of \$5 per pickup load and \$10 per loader bucket.

Council Member Taylor made a motion to adopt the Ordinance; seconded by Council Member Wyhof, the motion carried unanimously.

NEW BUSINESS

Consider Update Regarding Construction Status, Design Elements, and Parking Related to Streetscape

City Engineer Paul Weeks explained that the Jonesboro project is approximately 75 percent complete and should be substantially completed by Christmas. Underground utility work is about 50 percent complete and that transformers and power lines are being removed on Trade Street. The goal is for underground work to be completed around December 11 on Main Street so that those lines can be removed. After Duke Energy completes their work, Windstream and Charter Cable can complete their portions (Windstream is about 50% complete but no update has been received from Charter). Utility poles will be cut in half to remove the lines located at the top and the last provider who removes their line will be responsible for removing the pole. The project is anticipated to be complete in April, when final paving can be done since cold weather doesn’t allow for paving. This will also allow time for removal and replacing power poles, which could damage new pavement. Mr. Weeks stated that other than three businesses, Trade Street has been converted to underground power and underground power will be energized on Main Street during the first weekend in December. He also explained that the contractor did some extra milling work to address edging issues between the pavement and granite curb which required extra temporary paving.

The Downtown Sanford project is expected to also be completed in April according to Mr. Weeks. Approximately 65 percent of hard surface work is complete and Duke’s portion is about 50 percent complete. It is anticipated that underground service will be energized by January 10, and the project will be completed by January 17.

Mike Norris, with McGill Associates, explained that landscaping will be done downtown near the end of the project (unless weather allows it earlier) and it will complement what is already in place. Some landscaping is already underway in Jonesboro. Regarding removal of the stoplights at the Wicker and Steele Street intersection, he explained that a traffic study was conducted which indicated traffic volume was low enough not to warrant a signal. He stated that many communities have removed signals from their downtown areas in order to slow traffic and make those areas more pedestrian-friendly. Curb extensions will feature brick pavers to highlight Lee County’s brick heritage.

Jennifer St. Clair, Executive Director of Downtown Sanford, Inc. (“DSI”), informed Council that the DSI Board recognizes that while there is ample parking downtown, signage and lighting are not ample and that both should be increased as a short-term solution. She also stated that a committee has been formed to address the possible return to time-restricted parking and that DSI recommends a comprehensive long-term parking plan.

Consider Update on Get Your Business on Google

Public Information Officer Kelly Miller stated that she has received and reviewed a workshop kit designed to assist small businesses by sharing information (pricing, photos, links to websites and reviews) on Google. She is working with representatives from DSI, the CCC Small Business Center and SAGA and four workshops have been scheduled during January and February (two during the day and two in the evening). Promotion will soon begin and invitations will be issued through flyers, Facebook, Twitter, the local television channel and email which will be distributed to approximately 8,000 people. Services include free websites and instruction on virtual tours.

OTHER BUSINESS

Council Member Haire noted that it was 65 years ago today that James Blake, who was driving a bus in Montgomery, Alabama, told five black people to move to the back of the bus. Four of them moved but the one who did not move was Rosa Parks. On December 5, 1955, Rev. Martin Luther King and Rev. Abernathy formed a boycott of the Montgomery bus system which lasted until December 20, 1956, and literally shut down the system. He commented that street lights converted to LED have a much improved quality, and noted that our community has lost three iconic figures in the past six weeks: Ruby McSwain, Worth Pickard and Richard Feindel.

Council Member Taylor thanked his family and citizens for the vote of confidence in his recent re-election. He suggested that everyone have a heightened awareness of their surroundings during this busy time of the year and also echoed Mr. Haire’s recognition of Ruby McSwain, Worth Pickard and Richard Feindel and stated that he thought it would be appropriate to honor them at a Council meeting.

City Attorney Susan Patterson requested that the motion and appointment of Mayor Pro Tempore be repeated for the record. Council Member James Williams moved that Council Member Samuel Gaskins be appointed Mayor Pro Tempore; seconded by Council Member Wyhof, the motion carried unanimously.

City Manager Hegwer informed Council that he had received an email from Duke Energy on the LED conversion process stating that approximately one-third of project for the entire city is complete (roughly 1,000 of 3,000) and they anticipate completion in the next month.

Mayor Mann thanked family members and friends of Council Members for supporting their candidates at tonight’s Oath Ceremony and congratulated all the candidates who were recently re-elected. He congratulated Council Member Gaskins on his appointment as Mayor Pro Tempore and thanked Council Member Williams for his previous work in this capacity. He also noted the optimism, momentum and energy in the community and reminded everyone that the Christmas tree lighting in Depot Park will be held Friday, December 4, at 6:00 p.m. Privately-raised funds will be used to also light the train. He also invited everyone to join the Christmas parade scheduled for

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Monday, December 7. Mayor Mann noted that Oscar Keller Day was celebrated today at CCCC; he commented on the many calls and comments he has received from citizens on the improved LED lighting and on the ongoing streetscape construction. He invited everyone to the reception for the newly elected officials which will be held immediately following the meeting.

ADJOURNMENT

Council Member Williams made the motion to adjourn the meeting; seconded by Mayor Pro Tem Gaskins, the motion carried unanimously.

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

Respectfully Submitted,

T. CHET MANN, MAYOR

ATTEST:

BONNIE DAVIS, CITY CLERK

LAW AND FINANCE MEETING
 Tuesday, December 8, 2015
 7:00 P.M., Council Chambers
 225 East Weatherspoon St., Sanford, NC

The Law and Finance Committee met on Tuesday, December 8, 2015, in the Council Chambers of City Hall, located at 225 East Weatherspoon Street, at 7:00 P.M. The following people were present:

Law and Finance Committee:

Mayor T. Chet Mann	Council Member Byron Buckels
Council Member James Williams	Council Member Jimmy Haire
Council Member Rebecca Wyhof	Council Member Norman Charles Post, III
Council Member Charles Taylor	City Manager Hal Hegwer
City Attorney Susan Patterson	City Clerk Bonnie Davis

Mayor Chet Mann called the meeting to order.

Consider Renewal of 2016 Taxicab Operators' Licenses – (Exhibit A)

Detective Sergeant Vinnie Frazer presented a list of four taxicab companies that submitted applications to renew their 2016 Taxicab Operator's License, pursuant to Sanford City Ordinance 10-366. Detective Sergeant Frazer explained that applications were received from the following companies: Fleming Transportation requesting to operate three companies (Service Cab, American Yellow Cab and Pronto Taxi), and Juana M. Guillen requesting to operate D.A.Y. Taxi Service. Detective Sergeant Frazer explained that a criminal background check had been completed on the owners of the cab companies, complying with State and Federal law, and that no violations were found that would prevent the listed owners from being issued a license to operate a taxicab company within the City limits.

Mayor Mann asked Detective Sergeant Frazer if he had received any interest from UBER. Mayor Mann commented that UBER appeared to be a growing trend in larger cities, but that Sanford may not be ready for this service.

Detective Sergeant Frazer said that he had not received any interest from UBER.

Council Member Taylor commented that a bill was passed in the Legislature, assessing a \$5,000 fee for participation, which could be a factor in the delay of a UBER type lift system in Sanford.

Council Member Haire asked Detective Sergeant Frazer who he was dealing with in regards to Fleming Transportation, since Lois Fleming was out of state at the present time.

Detective Sergeant Frazer said that Lois Fleming had the remainder of this week to submit the paperwork for the inspection renewal. He said that the Ordinance required that the owner must be present for the renewal inspection; therefore if she could not be present, she would have to make other arrangements for the renewal inspection process.

Council Member Buckels asked if the taxicab owners had a certain amount of time to make the vehicles operational. Detective Sergeant Frazer replied that the owners usually had more than one vehicle so that if one should break down, the other could be inspected for use.

Consider Capital Project Ordinance Amendment – Sidewalk Improvement Bond Project (NO. B1401) – (Exhibit B)

City Engineer Paul Weeks presented the Ordinance Amendment for the Sidewalk Improvement Bond Project (No. B1401), explaining that the request was to move funds from one line item to another within the Project Ordinance; that no additional funds were requested.

Consider Entering Into an Access Agreement with Stanley Black and Decker, Inc. for the Installation, Maintenance, and Periodic Sampling of Monitoring Wells – (Exhibit C)

City Engineer Paul Weeks explained that periodically the City of Sanford was asked to enter into an access agreement with firms that monitor ground water. He said that Stanley Black & Decker had submitted an agreement to monitor the ground water on City property identified as the non-paved portion of Keith Drive right-of-way. Mr. Weeks said this was a routine access agreement.

Consider Authorizing Resolution by Governing Body of the Applicant - (Exhibit D)

Public Works Administrator Laura Spivey said that the North Carolina Department of Commerce has an Economic Infrastructure Program under its Rural Economic Development Division and that the grants are to aid eligible units of government in financing the cost of infrastructure activities needed to create jobs. Mrs. Spivey said that the City of Sanford has received grant funds from the North Carolina Department of Commerce for infrastructure projects in the past. The Public Works Department will submit an application for grant funds to assist Comfort First Heating and Cooling, Inc. with a waterline extension at the corner of Lark Lane and Jefferson Davis Highway and US #1. Mrs. Spivey said that the City of Sanford would need to extend approximately 1,900-feet of water line; the approximate cost of the water line is \$120,000. Mrs. Spivey said that the grant application would be for \$100,000 and the remaining \$20,000 cost would be the City's local match. She said that the North Carolina Rural Infrastructure Grant Program would require Comfort First Heating and Cooling, Inc. to create twenty jobs, at \$5,000 per job, within an eighteen-month period and retain the jobs for approximately six months. She said that if the company failed to comply, they would be responsible to pay back the grant funding. Mrs. Spivey said that this resolution is to initiate the grant application process.

City Manager Hal Hegwer commented that there were few opportunities for these types of grants that are tied to job creation.

Consider Modified Rosemount-McIver Park Guidelines - (Exhibit E)

Planner II Liz Whitmore presented the revised guidelines for the Rosemount-McIver Park Historic District and reviewed the major changes with Council. Mrs. Whitmore said the revised document was reviewed by the current Historic Preservation Commission, and that there were numerous citizen input meetings and that all property owners in the Rosemount-McIver Park Historic District were notified of the revised guidelines. She said the revised guidelines were posted on the City's website for public review and they were also submitted to (SHPO) State

Historic Preservation Office, for their review and that SHPO's comments were incorporated into the guidelines.

Mrs. Whitmore extended gratitude to all of the Citizens and staff who participated in the revision of these guidelines. She also thanked the members of the Historic Preservation Commission, City Council liaison Sam Gaskins, Attorney Susan Patterson, Staff Ann Sears and Long Range Transportation Planner David Montgomery for the support they provided.

Council Member Haire referenced Page 26, Item 2 of the Guidelines, which describes the replacement of original glass with like-kind material. He commented that in this age, it almost seemed absurd not to allow vinyl replacement windows. He said the largest historic district in the United States is River Street in Savannah Georgia and that the businesses in this area have vinyl replacement windows. He said that this document will not allow vinyl replacement windows in the Rosemount-McIver Historic District.

Mrs. Whitmore said that if a resident of the Rosemount-McIver Historic District had original windows in their dwelling and wanted to replace them with vinyl windows that would be considered a major and would require a public hearing before the Historic Preservation Commission. She said this could not be approved at staff level. She commented that the Historic Preservation Commission had approved vinyl windows in the past.

Council Member Taylor commented that he was concerned about consistency, and asked if this document was designed to accomplish the consistency that has been missing in some Historic Preservation Commission's interpretations in the past.

Mrs. Whitmore said that the current policy provides for more than one set of eyes to review Minor renovations. She said the current Historic Preservation Commission was a good Board and that they were very reasonable and fair.

Council Member Taylor asked if there were any properties in the Rosemount-McIver Historic District that were not in compliance with the current parking requirements for driveway widths.

Mrs. Whitmore said that existing driveways were grandfathered in and the owner would not be required to retro-fit; however, if the owner wanted to make the driveway larger, then they would have to comply with the current regulations.

Council Member Haire commented on the condition of the dwelling located at the intersection of Horner Boulevard and Weatherspoon Street, known as the "Poe" home. He asked Mrs. Whitmore how this structure was allowed to get into such a state of disrepair when these guidelines are in place.

Mrs. Whitmore replied that the property owners were responsible for the disrepair of properties. She said her understanding was that the family who owned this structure would have to obtain an additional loan to make the necessary repairs to this structure and that they would have to pay more than the house is worth. She said the dwelling was in compliance with Code

Enforcement and that the Historic Preservation Commission could not force the homeowner to make any repairs.

Mayor Mann commented that the structure is vacant and that hopefully someone would come along who could make the necessary repairs to the structure.

Mayor Mann voiced appreciation to the Historic Preservation Commission, the Citizen Committee and Mayor Pro Tem Gaskins and staff for their hard work in developing the Rosemount-McIver Park Historic District Guidelines. Mayor Mann commented that this was a great document and that it exhibited six years of work. He said he appreciated the efforts to preserve the neighborhood.

Council Member Taylor asked Mrs. Whitmore if the changes to the Rosemount-McIver Historic District Guidelines were recommendations from SHPO.

Mrs. Whitmore replied that the changes were recommendations made from the citizen appointed board. She said that the changes recommended from SHPO were incorporated in the changes but that they were mostly typographical or formatting recommendations.

Consider Ordinance Amending the Annual Operating Budget for FY 2015-2016 for the General Fund - (Exhibit F)

Financial Services Director Beth Kelly explained that this amendment would appropriate \$1,500 in miscellaneous revenue to the Administration Department to pay for temporary help due to an employee being on leave. She asked for a consensus in order to move forward with this and that it would be on the Consent Agenda for approval at the December 16, 2015 Council Meeting.

Mayor Mann asked the Council for a consensus for staff to move forward with the appropriation of \$1,500 in miscellaneous revenue to the Administration Department to pay for temporary employment. The consensus of Council was to move forward with the ordinance.

Other Business

Council Member Taylor made mention of the tree located in front of Stanley's Western Auto. He said that the tree is within two inches of touching the awning. He commented that he hoped staff was considering how the current work was affecting the existing awnings.

Council Member Haire commented that Council needed to push Senator Rabin, Representative Salmon, and Representative Reives for the Bill entitled FOMFLR (Freedom of Movement for Leachate Revenue). He said that municipalities like Sanford should have the ability to move Leachate revenue where they wanted to, and that these Senators and Representatives had the authority to change the rules in order that municipalities could use the leachate revenue as they so desired. He said that if the money stayed in the Utility Fund the use would be extremely limited.

Mayor Mann commented that currently, the Leachate funds could only be used for infrastructure utility.

Council Member Wyhof congratulated everyone involved in the recent Christmas celebrations in Sanford. She commented that it was wonderful to see so many people out enjoying our City and coming together as a community.

City Manager Hal Hegwer encouraged Council to attend the Service Award Dinner Thursday, December 10, 2015. He said there were many employees who would be recognized for their years of service.

Mayor Mann commented that there seemed to be great momentum and energy in the Downtown Sanford area and in Sanford in general. He thanked the Public Works Department, the Police Department and all of the staff for their efforts in the current Christmas events.

Council Member Williams congratulated Fire Chief Wayne Barber on a job well done on the recent Fireman Christmas celebration. He commented that maybe next year there could be more participation from Council for this event.

Closed Session

City Attorney Patterson read a motion for Council to go into closed session in accordance with N.C.G.S.143-318.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body; (5) to establish or instruct the public body staff for the position to be taken on behalf of the public body in negotiating the price or other material terms of a contract or proposed contract for the acquisition of real property; (6) for the personnel exception and (3) for the attorney client privilege. So moved by Council Member Taylor and seconded by Council Member Wyhof in open session, the motion carried unanimously.

Return to Regular Session and Adjournment

Council Member Williams made the motion to adjourn the meeting; seconded by Council Member Post, the motion carried unanimously.

Respectfully Submitted,

T. CHET MANN, MAYOR

ATTEST:

BONNIE DAVIS, CITY CLERK

January 5, 2016
NOTICE OF PUBLIC HEARING

The City of Sanford proposes to participate in the cost of an economic development project, called "Project Core" which consists of the purchase of machinery and equipment in the amount of \$1,500,000 in Sanford, Lee County, North Carolina. The City Council intends to consider sharing up to \$19,890.00 (Nineteen Thousand, Eight Hundred and Ninety Dollars) of the cost of the project with revenues from the City of Sanford General Fund. The project will stimulate the local economy, promote business and result in the creation of a number of jobs in the City of Sanford.

A public hearing on the proposed City expenditure for this project will be held on Tuesday, January 5, 2016 at 7:00 p.m., or as soon thereafter as said matter can be reached, in the Council Chambers of the Sanford Municipal Center, located at 225 East Weatherspoon Street, Sanford, N.C. All interested persons are invited to attend and present their views.

Please publish Tuesday, December 22, 2015
Please prepare publisher's affidavit and mail to my attention.

2016-01

**RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS FOR
AN ECONOMIC DEVELOPMENT PROJECT AND APPROVING
AN AGREEMENT WITH**

CORE-MARK DISTRIBUTORS, INC.

WHEREAS, notice of a public hearing was published that the Sanford City Council proposed to participate in an economic development project which consists of new machinery and equipment for a manufacturing facility located in Sanford, Lee County, NC; and

WHEREAS, the project represents an investment by Core Mark of at least \$1.5 million in Sanford, Lee County, NC.

NOW, THEREFORE, BE IT RESOLVED by the Sanford City Council that the Council finds that the project 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 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 attached agreement between the City of Sanford and Core Mark and the Mayor and Clerk are hereby authorized to execute the agreement on behalf of the City.

ADOPTED this 5th day of January 2016.

T. Chet Mann, Mayor,
City of Sanford

ATTEST:

Bonnie Davis, City Clerk

Susan C. Patterson, City Attorney

contemplated by this Agreement, and has by proper corporate action duly authorized the execution and delivery of this Agreement.

- b. No Conflicts. Neither the execution or delivery of this Agreement nor the performance of the obligations under or consummation of the transactions contemplated by this Agreement violates or will violate any law or governmental order, conflicts or will conflict with any provisions of the Articles of Organization or the Operating Agreement of the company or any material term or provision of any agreement or instrument to which the company is a party or by which it is bound, or constitutes or will constitute a material breach of or a default under any such agreement or instrument.
 - c. Continuity. The COMPANY presently intends to operate the project as a distribution facility within the CITY until the CITY receives the prospective tax revenues from the improvements located on the property which were contemplated in arriving at the consideration that it receives pursuant to this Agreement.
 - e. Inducement. The COMPANY hereby certifies that without (BUT FOR) the incentives provided by the CITY OF SANFORD, N.C. based upon the Economic Development Incentive Policy adopted by the CITY, it would not site this project in the CITY, and that it has contemplated locating in other states. (See Exhibit B)
 - f. Timing. The COMPANY has been informed and understands that a grant or reimbursement will be made only for expenditures for work performed or equipment installed on or after the execution of this document.
4. Covenant. The COMPANY covenants and agrees to pay the taxes, create the jobs and make the investment, which are the subject of this Agreement in accordance with the purposes and/or under the restrictions and conditions as set forth herein.
5. Grant. In exchange for the investment by the COMPANY and the creation of new jobs paying the average annual rate as stated herein, the CITY OF SANFORD, N.C. anticipates making an incentive grant to the COMPANY of up to \$19,890 provided all conditions of this contract are met. The CITY OF SANFORD, N.C. proposes to appropriate funds of up to the amount shown on Exhibit A.
- Grant payment to the COMPANY will be made upon the written request of the COMPANY and submission of appropriate documentation of expenditures or information needed to show compliance with grant requirements.
6. Limitation. Funds paid in accordance with this contract are to be used in accordance with N.C.G.S. §158-7.1 for economic development of the CITY for the investment of new machinery and equipment at a distribution facility by CORE-MARK DISTRIBUTORS, INC.

7. **Completion Prerequisite.** The project must be completed in such time that the improvements are on the ground and the cumulative initial ad valorem taxable value (prior to depreciation) by January 1, 2017 will total at least \$1,500,000 and will produce ad valorem taxes in an amount of \$32,940 payable to the CITY and the COMPANY will have paid to its employees an average wage as determined by current NC Employment Security Commission criteria (ESC form NCUI 101) (not including benefits) that equals or exceeds \$31,800, and the COMPANY has created at least 25 new jobs for the incentive period, or the incentive will not be paid or the COMPANY must make reimbursement of the incentives. Total investment for equipment shall be at least \$1,500,000, which over the life of the project shall pay the CITY \$32,940 in tax revenue.
8. **Records.** The COMPANY agrees that it will supply to the CITY OF SANFORD, or its designee, agent or auditors, good and sufficient, certified and auditable evidence of the COMPANY's compliance with the terms and conditions of this Agreement and sufficient for the CITY's compliance with this Agreement and such records, information, reports and verification relating to expenditures of the funds or the operations of the COMPANY as may reasonably be requested by the CITY. The COMPANY agrees that the CITY shall have access to the records and premises of the COMPANY at all reasonable times, and the COMPANY agrees to submit such reports as the CITY shall request pertaining to the funds granted herein or the operations of the COMPANY, including the NCUI 101 ESC form, W-4 form and E-verify certification and any other or additional information necessary to verify compliance. The COMPANY shall maintain a written accounting and documentation of all of its receipts and disbursements relating to the grant funds which are the subject of this Agreement.
9. **Audit.** The CITY reserves the right to require a certified audit pertaining to the use of grant funds, or may perform the audit through the use of its staff.
10. **Suspension or Termination.** The CITY may suspend or terminate the payment of grant funds in whole or in part for any violation of this Agreement without Notice. Suspension or termination may be affected for the following reasons as determined by the CITY, but not limited to these reasons:
 - a. Ineffective or improper use of grant funds;
 - b. Failure to comply with the terms and conditions of the Agreement;
 - c. Submission to the CITY of reports which are incorrect or incomplete in any material respects;
 - d. Frustration or impossibility of performance, rendering the carrying out of this Agreement improper or unfeasible;
 - e. Failure to establish or maintain the number of jobs (25) and/or the average wage (\$31,800) throughout the incentive period;
 - f. In addition, the CITY may suspend or terminate payment of grant funds if the COMPANY fails to make satisfactory progress towards meeting the investment which is the subject of this Agreement, and the determination of

whether satisfactory progress has been made shall be in the sole discretion of the CITY;

- g. If for any reason the payment of grant funds is suspended or terminated, CITY shall have no further obligation to make any further grant payment and the COMPANY agrees to promptly remit to the CITY all payments previously received by the COMPANY which the CITY deems to have been paid and received in violation of this Agreement.

11. Failure to meet minimum conditions. If for any reason the project shall not satisfy the minimum conditions as set forth in this agreement, then the CITY shall not pay the incentive grant, reduce the amount of the incentive grant and/or seek reimbursement from the COMPANY who received any incentives made possible by this grant, as set forth herein, and COMPANY or any party shall remit them promptly to the CITY, and the COMPANY shall bear all of the cost of collection.

12. Reduction or Elimination of Grant. If the project as described in this Agreement does not produce the improvements and jobs as anticipated following the execution of this agreement, as set forth herein, specifically:

- i. If the amount of ad valorem taxes paid to the CITY over the term of this agreement and which are attributable to this project are not sufficient to pay to the CITY the anticipated goal of \$32,940; or
- ii. The average wage paid to the employees at the project during the same period set out in subparagraph i above did not equal or exceed \$31,800 as determined by current N.C. Employment Commission criteria (NCUI 101 form); or
- iii. The COMPANY does not create or maintain at least 25 jobs during the incentive period;

then, in each event, the COMPANY shall not be paid an incentive or the CITY shall reduce the grant amounts as follows with respect to the incentives to be paid from CITY funds, as the case may be, to wit:

- (1) If the increase in ad valorem taxes paid by the COMPANY due to this project does not meet the anticipated goal of \$32,940, then the CITY shall reduce the anticipated grant.
- (2) If the COMPANY meets the standard for taxes but does not meet the standards for wage rates as set forth above, or the number of jobs, then it shall not receive an incentive grant for that year and/or shall refund any amount paid for that incentive year.
- (3) If at any time during the Grant period the COMPANY substantially ceases operations at the Project Site, the CITY

shall not be obligated to pay to the COMPANY any further grant funds.

13. Repayment. In the event the COMPANY fails to meet the expected level of wages, fails to create and maintain jobs or incentives are paid that exceed the amounts contemplated herein, the COMPANY shall repay any incentives to the CITY.
14. Job Requirement. The new jobs to be created by the Project must be filled by employees hired after the effective date of this agreement who work at least 35 hours per week and whose wages are subject to withholding under Article 4A of Chapter 105 of the North Carolina General Statutes.
15. Non-Assignment. This Agreement and the grant funds which are the subject of this Agreement are expressly non-assignable without the prior written consent and approval of the CITY.
16. Extension. The CITY may execute an extension of this Agreement in its discretion and in accordance with such additional conditions as it may require.
17. Termination. The CITY may terminate this Agreement, as set forth herein, for failure to meet conditions necessary to make the grant, for failure of the project, or violation of the terms of this Agreement, in the discretion of the CITY, without prior notice to COMPANY.
18. Notice. Notice may be given as follows:

<p>To the City:</p> <p>City Manager P O. Box 3729 Sanford, NC. 27330</p>	<p>To the Company:</p> <p>CORE-MARK DISTRIBUTORS, INC. 1144 Broadway Road Sanford, NC 27330</p>
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19. Jurisdiction and Venue. This contract shall be construed under the laws of the State of North Carolina. Any controversy or claim arising out of this agreement shall be settled or resolved by an action initiated in Lee County, North Carolina.
20. Severability. If any provision of this agreement is deemed to be invalid or unenforceable it shall not affect the validity or enforceability of any other provision of this agreement.

IN WITNESS WHEREOF, the CITY OF SANFORD, N.C. has caused this instrument to be signed in its municipal corporate name by its duly elected Mayor and its seal to be hereunto affixed by the City Clerk, all by authority of its City Council and the COMPANY has caused this

instrument to be executed in its company name by its duly authorized President, attested to by its corporate Secretary and its corporate seal attached, both the day and year first above written.

CORE-MARK DISTRIBUTORS, INC.

(Corporate Seal)

By: _____
Thomas Perkins, President

ATTEST:

Gregory Antholzner, Secretary/Treasurer

CITY OF SANFORD, NC.

(seal)

By: _____
T. Chet Mann, Mayor

ATTEST:

Bonnie Davis, City Clerk

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

Date Finance Officer

EXHIBIT A
TO THE AGREEMENT BETWEEN
THE CITY OF SANFORD
AND
CORE-MARK DISTRIBUTORS, INC.

ANTICIPATED INCENTIVES

1. The Project. The project consists of new machinery and equipment to be installed in a distribution facility by CORE-MARK DISTRIBUTORS, INC. on property located in the City of Sanford, Lee County, North Carolina, which will consist of new machinery and equipment which will have a cumulative initial ad valorem taxable value (prior to depreciation) of at least \$1,500,000 and will provide employment for at least 25 people in Sanford, N.C. during the incentive period, paying an average wage of \$31,800.
2. The Incentive. The CITY OF SANFORD, N.C. anticipates making an incentive grant to the COMPANY of up to \$19,890 provided all conditions of this contract are met.

EXHIBIT B

2010-19

RESOLUTION BY THE SANFORD CITY COUNCIL
ECONOMIC DEVELOPMENT INVESTMENT GUIDELINES

WHEREAS, Chapter 158 of the General Statutes of North Carolina authorizes cities to engage in economic development activities; and

WHEREAS, North Carolina General statute 160A-20.1 authorizes cities to contract with and appropriate money to a corporation to carry out any public purpose that a City is authorized by law to perform; and

WHEREAS, it is the sense of Council for the City of Sanford that the City should engage in economic development activities and that the LCEDC should be employed to undertake such activities on behalf of the City; and

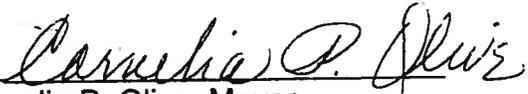
WHEREAS, LCEDC, by action of its Board of Directors, has indicated its willingness to perform such activities on behalf of the City; and

WHEREAS, Under the authority of NCGS 158-7.1, the City Council desires to establish an Economic Development Investment Policy that gives the LCEDC the flexibility and tools to remain competitive so as to attract new industry and retain existing businesses;

NOW, THEREFORE, be it resolved that the City adopts the following Economic Development Investment Policy;

It is the City of Sanford's desire to make public investments to stimulate economic development. Businesses may receive benefits under this policy to induce them to locate or expand their operations in the City of Sanford. Incentive Grants will be awarded based on the benefits to the City of Sanford and its citizens and reviewed on a case by case basis by both the LCEDC and the Sanford City Council.

Adopted this 6th day of July 2010.

By: 
Cornelia P. Olive, Mayor


Bonnie D. White
City Clerk

Project Core - December 2015 Investment and Incentive

Machinery and Equipment Investment

2016-17

\$1,500,000

Machinery and Equipment	Est. Tax Value	Rate	Total tax pmt.	Incentive	FY
90% =	\$ 1,350,000 x	0.0060	\$ 8,100.00 x	75% \$ 6,075.00	17-18
81% =	\$ 1,215,000 x	0.0060	\$ 7,290.00 x	60% \$ 4,374.00	18-19
74% =	\$ 1,110,000 x	0.0060	\$ 6,660.00 x	60% \$ 3,996.00	19-20
65% =	\$ 975,000 x	0.0060	\$ 5,850.00 x	50% \$ 2,925.00	20-21
56% =	\$ 840,000 x	0.0060	\$ 5,040.00 x	50% \$ 2,520.00	21-22
			\$ 32,940.00	\$ 19,890.00	

January 5, 2016
NOTICE OF PUBLIC HEARING

The City of Sanford proposes to participate in the cost of an economic development project, called "Project Winter" which consists of building renovations and the purchase of machinery and equipment in the amount of \$30,200,000 in Sanford, Lee County, North Carolina. The City Council intends to consider sharing up to \$440,563.20 (Four Hundred and Forty Thousand, Five Hundred Sixty-Three Dollars and Twenty Cent) of the cost of the project with revenues from the City of Sanford General Fund. The project will stimulate the local economy, promote business and result in the creation of a number of jobs in the City of Sanford.

A public hearing on the proposed City expenditure for this project will be held on Tuesday, January 5, 2016 at 7:00 p.m., or as soon thereafter as said matter can be reached, in the Council Chambers of the Sanford Municipal Center, located at 225 East Weatherspoon Street, Sanford, N.C. All interested persons are invited to attend and present their views.

Please publish Tuesday, December 22, 2015
Please prepare publisher's affidavit and mail to my attention.

2016-02

**RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS FOR
AN ECONOMIC DEVELOPMENT PROJECT AND APPROVING
AN AGREEMENT WITH**

PROJECT WINTER

WHEREAS, notice of a public hearing was published that the Sanford City Council proposed to participate in an economic development project which consists of real estate improvements and new machinery for a manufacturing facility located in Sanford, Lee County, NC; and

WHEREAS, the project represents an investment by Project Winter of at least \$30,200,000 in Sanford, Lee County, NC.

NOW, THEREFORE, BE IT RESOLVED by the Sanford City Council that the Council finds that the project 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 six 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 attached agreement between the City of Sanford and Project Winter and the Mayor and Clerk are hereby authorized to execute the agreement on behalf of the City.

ADOPTED this 5th day of January 2016.

T. Chet Mann, Mayor,
City of Sanford

ATTEST:

Bonnie Davis, City Clerk

Susan C. Patterson, City Attorney

STATE OF NORTH CAROLINA)
)
COUNTY OF LEE)

ECONOMIC DEVELOPMENT
INCENTIVE GRANT AGREEMENT
FOR PROJECT WINTER

THIS AGREEMENT, made and entered into this the _____ day of January, 2016, by and between THE CITY OF SANFORD, N.C., a North Carolina municipal corporation (hereinafter CITY) and PROJECT WINTER, a _____ corporation authorized to do business in North Carolina with an office and place of business in Sanford, Lee County, N.C. (hereinafter referred to as COMPANY);

WITNESSETH:

WHEREAS, COMPANY has requested an incentive grant for an economic development project located in the City of Sanford, Lee County, North Carolina, which will stimulate the local economy, promote business, and result in the creation of a substantial number of jobs in the City paying above median wage as a result of the project; and

WHEREAS, as authorized by N.C.G.S. §158-7.1, the CITY OF SANFORD, N.C has agreed to provide an economic development grant by participating in the cost of building renovations, new machinery and equipment for PROJECT WINTER a _____ company located within the City of Sanford, N.C., in an amount of up to \$440,563.20.

NOW, THEREFORE, in consideration of the foregoing, the benefits accruing to COMPANY, the representations and mutual promises contained herein, the parties hereto agree as follows:

1. Term. The term of this agreement shall begin upon execution in 2016 and extend, unless sooner terminated as described herein, anticipating, if all conditions are met, annual incentive grant payments beginning March 15, 2018 and extending until March 15, 2023.
2. Project. The project consists of real estate improvements, new machinery and equipment to be installed in a manufacturing facility by PROJECT WINTER in the City of Sanford, Lee County, North Carolina, which will have a cumulative initial ad valorem taxable value (prior to depreciation) of at least \$30,200,000 (Thirty million two hundred thousand dollars) and will provide new employment for at least 25 people in Sanford, N.C. during the incentive period, paying an average wage of \$45,000. (See Exhibit A)
3. Representations. COMPANY makes the following representations as the basis for the undertakings on its part herein contained:
 - a. Standing. The COMPANY is a _____ corporation duly organized and existing and in good standing under the laws of the State of North Carolina. The COMPANY has the power and authority to enter into this

Agreement, to perform its obligations under, and consummate the transactions contemplated by this Agreement, and has by proper corporate action duly authorized the execution and delivery of this Agreement.

- b. **No Conflicts.** Neither the execution or delivery of this Agreement nor the performance of the obligations under or consummation of the transactions contemplated by this Agreement violates or will violate any law or governmental order, conflicts or will conflict with any provisions of the Articles of Organization or the Operating Agreement of the company or any material term or provision of any agreement or instrument to which the company is a party or by which it is bound, or constitutes or will constitute a material breach of or a default under any such agreement or instrument.
 - c. **Continuity.** The COMPANY presently intends to operate the project as a manufacturing facility within the CITY until the CITY receives the prospective tax revenues from the improvements located on the property which were contemplated in arriving at the consideration that it receives pursuant to this Agreement.
 - e. **Inducement.** The COMPANY hereby certifies that without (BUT FOR) the incentives provided by the CITY OF SANFORD, N.C. based upon the Economic Development Incentive Policy adopted by the CITY, it would not site this project in the CITY, and that it has contemplated locating in other states. (See Exhibit B)
 - f. **Timing.** The COMPANY has been informed and understands that a grant or reimbursement will be made only for expenditures for work performed or equipment installed on or after the execution of this document.
4. **Covenant.** The COMPANY covenants and agrees to pay the taxes, create the jobs and make the investment, which are the subject of this Agreement in accordance with the purposes and/or under the restrictions and conditions as set forth herein.
 5. **Grant.** In exchange for the investment by the COMPANY and the creation of new jobs paying the average annual rate as stated herein, the CITY OF SANFORD, N.C. anticipates making an incentive grant to the COMPANY of up to \$440,563.20 provided all conditions of this contract are met. The CITY OF SANFORD, N.C. proposes to appropriate funds of up to the amount shown on Exhibit A.

Grant payment to the COMPANY will be made upon the written request of the COMPANY and submission of appropriate documentation of expenditures or information needed to show compliance with grant requirements.

6. **Limitation.** Funds paid in accordance with this contract are to be used in accordance with N.C.G.S. §158-7.1 for economic development of the CITY for the investment of

new machinery and equipment at an industrial manufacturing facility by PROJECT WINTER.

7. **Completion Prerequisite.** The project must be completed in such time that the improvements are on the ground and the cumulative initial ad valorem taxable value (prior to depreciation) by January 1, 2017 will total at least \$9,000,000 and will produce ad valorem taxes in an amount of \$49,470 payable to the CITY and the COMPANY will have paid to its employees an average wage as determined by current NC Employment Security Commission criteria (ESC form NCUI 101) (not including benefits) that equals or exceeds \$45,000, and the COMPANY has created at least 25 new jobs for the incentive period, or the incentive will not be paid or the COMPANY must make reimbursement of the incentives. Total investment for building renovations and equipment shall be at least \$30,200,000, which over the life of the project shall pay the CITY \$629,376 in tax revenue.
8. **Records.** The COMPANY agrees that it will supply to the CITY OF SANFORD, or its designee, agent or auditors, good and sufficient, certified and auditable evidence of the COMPANY's compliance with the terms and conditions of this Agreement and sufficient for the CITY's compliance with this Agreement and such records, information, reports and verification relating to expenditures of the funds or the operations of the COMPANY as may reasonably be requested by the CITY. The COMPANY agrees that the CITY shall have access to the records and premises of the COMPANY at all reasonable times, and the COMPANY agrees to submit such reports as the CITY shall request pertaining to the funds granted herein or the operations of the COMPANY, including the NCUI 101 ESC form, W-4 form and E-verify certification and any other or additional information necessary to verify compliance. The COMPANY shall maintain a written accounting and documentation of all of its receipts and disbursements relating to the grant funds which are the subject of this Agreement.
9. **Audit.** The CITY reserves the right to require a certified audit pertaining to the use of grant funds, or may perform the audit through the use of its staff.
10. **Suspension or Termination.** The CITY may suspend or terminate the payment of grant funds in whole or in part for any violation of this Agreement without Notice. Suspension or termination may be affected for the following reasons as determined by the CITY, but not limited to these reasons:
 - a. Ineffective or improper use of grant funds;
 - b. Failure to comply with the terms and conditions of the Agreement;
 - c. Submission to the CITY of reports which are incorrect or incomplete in any material respects;
 - d. Frustration or impossibility of performance, rendering the carrying out of this Agreement improper or unfeasible;
 - e. Failure to establish or maintain the number of jobs (25) and/or the average wage (\$45,000) throughout the incentive period;

- f. In addition, the CITY may suspend or terminate payment of grant funds if the COMPANY fails to make satisfactory progress towards meeting the investment which is the subject of this Agreement, and the determination of whether satisfactory progress has been made shall be in the sole discretion of the CITY;
 - g. If for any reason the payment of grant funds is suspended or terminated, CITY shall have no further obligation to make any further grant payment and the COMPANY agrees to promptly remit to the CITY all payments previously received by the COMPANY which the CITY deems to have been paid and received in violation of this Agreement.
11. Failure to meet minimum conditions. If for any reason the project shall not satisfy the minimum conditions as set forth in this agreement, then the CITY shall not pay the incentive grant, reduce the amount of the incentive grant and/or seek reimbursement from the COMPANY who received any incentives made possible by this grant, as set forth herein, and COMPANY or any party shall remit them promptly to the CITY, and the COMPANY shall bear all of the cost of collection.
12. Reduction or Elimination of Grant. If the project as described in this Agreement does not produce the improvements and jobs as anticipated following the execution of this agreement, as set forth herein, specifically:
- i. If the amount of ad valorem taxes paid to the CITY over the term of this agreement and which are attributable to this project are not sufficient to pay to the CITY the anticipated goal of \$629,376; or
 - ii. The average wage paid to the employees at the project during the same period set out in subparagraph i above did not equal or exceed \$45,000 as determined by current N.C. Employment Commission criteria (NCUI 101 form); or
 - iii. The COMPANY does not create or maintain at least 25 jobs during the incentive period;
- then, in each event, the COMPANY shall not be paid an incentive or the CITY shall reduce the grant amounts as follows with respect to the incentives to be paid from CITY funds, as the case may be, to wit:
- (1) If the increase in ad valorem taxes paid by the COMPANY due to this project does not meet the anticipated goal of \$629,376, then the CITY shall reduce the anticipated grant.
 - (2) If the COMPANY meets the standard for taxes but does not meet the standards for wage rates as set forth above, or the number of jobs, then it shall not receive an incentive grant for that year and/or shall refund any amount paid for that incentive year.

(3) If at any time during the Grant period the COMPANY substantially ceases operations at the Project Site, the CITY shall not be obligated to pay to the COMPANY any further grant funds.

13. Repayment. In the event the COMPANY fails to meet the expected level of wages, fails to create and maintain jobs or incentives are paid that exceed the amounts contemplated herein, the COMPANY shall repay any incentives to the CITY.

14. Job Requirement. The new jobs to be created by the Project must be filled by employees hired after the effective date of this agreement who work at least 35 hours per week and whose wages are subject to withholding under Article 4A of Chapter 105 of the North Carolina General Statutes.

15. Non-Assignment. This Agreement and the grant funds which are the subject of this Agreement are expressly non-assignable without the prior written consent and approval of the CITY.

16. Extension. The CITY may execute an extension of this Agreement in its discretion and in accordance with such additional conditions as it may require.

17. Termination. The CITY may terminate this Agreement, as set forth herein, for failure to meet conditions necessary to make the grant, for failure of the project, or violation of the terms of this Agreement, in the discretion of the CITY, without prior notice to COMPANY.

18. Notice. Notice may be given as follows:

To the City:

City Manager
P O. Box 3729
Sanford, NC. 27330

To the Company:

PROJECT WINTER

Sanford, NC 27330

19. Jurisdiction and Venue. This contract shall be construed under the laws of the State of North Carolina. Any controversy or claim arising out of this agreement shall be settled or resolved by an action initiated in Lee County, North Carolina.

20. Severability. If any provision of this agreement is deemed to be invalid or unenforceable it shall not affect the validity or enforceability of any other provision of this agreement.

IN WITNESS WHEREOF, the CITY OF SANFORD, N.C. has caused this instrument to be signed in its municipal corporate name by its duly elected Mayor and its seal to be hereunto

affixed by the City Clerk, all by authority of its City Council and the COMPANY has caused this instrument to be executed in its company name by its duly authorized President, attested to by its corporate Secretary and its corporate seal attached, both the day and year first above written.

PROJECT WINTER

(Corporate Seal)

By: _____
 , President

ATTEST:

, Treasurer

CITY OF SANFORD, NC.

(seal)

By: _____
 T. Chet Mann, Mayor

ATTEST:

Bonnie Davis, City Clerk

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

Date Finance Officer

EXHIBIT A
TO THE AGREEMENT BETWEEN
THE CITY OF SANFORD
AND
PROJECT WINTER

ANTICIPATED INCENTIVES

1. The Project. The project consists of building renovations, new machinery and equipment to be installed in a manufacturing facility by PROJECT WINTER on property located in the City of Sanford, Lee County, North Carolina, which will consist of building renovations, new machinery and equipment which will have a cumulative initial ad valorem taxable value (prior to depreciation) of at least \$30,200,000 and will provide employment for at least 25 people in Sanford, N.C. during the incentive period, paying an average wage of \$45,000.
2. The Incentive. The CITY OF SANFORD, N.C. anticipates making an incentive grant to the COMPANY of up to \$440,563.20 provided all conditions of this contract are met.

EXHIBIT B

2010-19

RESOLUTION BY THE SANFORD CITY COUNCIL
ECONOMIC DEVELOPMENT INVESTMENT GUIDELINES

WHEREAS, Chapter 158 of the General Statutes of North Carolina authorizes cities to engage in economic development activities; and

WHEREAS, North Carolina General statute 160A-20.1 authorizes cities to contract with and appropriate money to a corporation to carry out any public purpose that a City is authorized by law to perform; and

WHEREAS, it is the sense of Council for the City of Sanford that the City should engage in economic development activities and that the LCEDC should be employed to undertake such activities on behalf of the City; and

WHEREAS, LCEDC, by action of its Board of Directors, has indicated its willingness to perform such activities on behalf of the City; and

WHEREAS, Under the authority of NCGS 158-7.1, the City Council desires to establish an Economic Development Investment Policy that gives the LCEDC the flexibility and tools to remain competitive so as to attract new industry and retain existing businesses;

NOW, THEREFORE, be it resolved that the City adopts the following Economic Development Investment Policy;

It is the City of Sanford's desire to make public investments to stimulate economic development. Businesses may receive benefits under this policy to induce them to locate or expand their operations in the City of Sanford. Incentive Grants will be awarded based on the benefits to the City of Sanford and its citizens and reviewed on a case by case basis by both the LCEDC and the Sanford City Council.

Adopted this 6th day of July 2010.

By: 
Cornelia P. Olive, Mayor


Bonnie D. White
City Clerk

Project Winter - December 2015 - Proposed City Incentive Schedule

	2016	2017	2018	2019	2020	5 Year Total
Real Property	2,900,000.00	2,200,000.00	2,200,000.00	2,200,000.00	2,200,000.00	\$11,700,000.00
Personal Property	6,100,000.00	3,100,000.00	3,100,000.00	3,100,000.00	3,100,000.00	\$18,500,000.00
Total Investment	\$9,000,000.00	\$5,300,000.00	\$5,300,000.00	\$5,300,000.00	\$5,300,000.00	\$30,200,000.00

Machinery - Installed in 2016		Est. Tax Value	Rate	Total tax pmt.			Est. Incentive	Pmt. in fiscal year
90%	=	\$ 5,490,000	x 0.0060	\$ 32,940.00	x 70%	\$ 23,058.00	17-18	
81%	=	\$ 4,941,000	x 0.0060	\$ 29,646.00	x 70%	\$ 20,752.20	18-19	
74%	=	\$ 4,514,000	x 0.0060	\$ 27,084.00	x 70%	\$ 18,958.80	19-20	
65%	=	\$ 3,965,000	x 0.0060	\$ 23,790.00	x 70%	\$ 16,653.00	20-21	
56%	=	\$ 3,416,000	x 0.0060	\$ 20,496.00	x 70%	\$ 14,347.20	21-22	
48%	=	\$ 2,928,000	x 0.0060	\$ 17,568.00	x 70%	\$ 12,297.60	22-23	

Machinery - Installed in 2017		Est. Tax Value	Rate	Total tax pmt.			Est. Incentive	Pmt. in fiscal year
90%	=	\$ 2,790,000	x 0.0060	\$ 16,740.00	x 70%	\$ 11,718.00	18-19	
81%	=	\$ 2,511,000	x 0.0060	\$ 15,066.00	x 70%	\$ 10,546.20	19-20	
74%	=	\$ 2,294,000	x 0.0060	\$ 13,764.00	x 70%	\$ 9,634.80	20-21	
65%	=	\$ 2,015,000	x 0.0060	\$ 12,090.00	x 70%	\$ 8,463.00	21-22	
56%	=	\$ 1,736,000	x 0.0060	\$ 10,416.00	x 70%	\$ 7,291.20	22-23	

Machinery - Installed in 2018		Est. Tax Value	Rate	Total tax pmt.			Est. Incentive	Pmt. in fiscal year
90%	=	\$ 2,790,000	x 0.0060	\$ 16,740.00	x 70%	\$ 11,718.00	19-20	
81%	=	\$ 2,511,000	x 0.0060	\$ 15,066.00	x 70%	\$ 10,546.20	20-21	
74%	=	\$ 2,294,000	x 0.0060	\$ 13,764.00	x 70%	\$ 9,634.80	21-22	
65%	=	\$ 2,015,000	x 0.0060	\$ 12,090.00	x 70%	\$ 8,463.00	22-23	

Machinery - Installed in 2019		Est. Tax Value	Rate	Total tax pmt.			Est. Incentive	Pmt. in fiscal year
90%	=	\$ 2,790,000	x 0.0060	\$ 16,740.00	x 70%	\$ 11,718.00	20-21	
81%	=	\$ 2,511,000	x 0.0060	\$ 15,066.00	x 70%	\$ 10,546.20	21-22	
74%	=	\$ 2,294,000	x 0.0060	\$ 13,764.00	x 70%	\$ 9,634.80	22-23	

Machinery - Installed in 2020		Est. Tax Value	Rate	Total tax pmt.			Est. Incentive	Pmt. in fiscal year
90%	=	\$ 2,790,000	x 0.0060	\$ 16,740.00	x 70%	\$ 11,718.00	21-22	
81%	=	\$ 2,511,000	x 0.0060	\$ 15,066.00	x 70%	\$ 10,546.20	22-23	

Machinery - Total		Est. Tax Value		Rate	Total tax pmt.			Est. Incentive	Pmt. in fiscal year
		\$ 5,490,000	x	0.0060	\$ 32,940.00	x	70%	\$ 23,058.00	17-18
		\$ 7,731,000	x	0.0060	\$ 46,386.00	x	70%	\$ 32,470.20	18-19
		\$ 9,815,000	x	0.0060	\$ 58,890.00	x	70%	\$ 41,223.00	19-20
		\$ 11,560,000	x	0.0060	\$ 69,360.00	x	70%	\$ 48,552.00	20-21
		\$ 10,236,000	x	0.0060	\$ 78,156.00	x	70%	\$ 54,709.20	21-22
		\$ 8,973,000	x	0.0060	\$ 68,904.00	x	70%	\$ 48,232.80	22-23
					\$ 354,636.00				\$ 248,245.20 Total Machinery

Real Estate		Est. Tax Value		Rate	Total tax pmt.			Est. Incentive	Pmt. in fiscal year
95%	=	\$ 2,755,000	x	0.0060	\$ 16,530.00	x	70%	\$ 11,571.00	17-18
95%	=	\$ 4,845,000	x	0.0060	\$ 29,070.00	x	70%	\$ 20,349.00	18-19
95%	=	\$ 6,935,000	x	0.0060	\$ 41,610.00	x	70%	\$ 29,127.00	19-20
95%	=	\$ 9,025,000	x	0.0060	\$ 54,150.00	x	70%	\$ 37,905.00	20-21
95%	=	\$ 11,115,000	x	0.0060	\$ 66,690.00	x	70%	\$ 46,683.00	21-22
95%	=	\$ 11,115,000	x	0.0060	\$ 66,690.00	x	70%	\$ 46,683.00	22-23
					\$ 274,740.00				\$ 192,318.00 Total Real Estate

Estimated payout schedules

FY	Machinery	Real Estate	Total
2017-18	\$ 23,058.00	\$ 11,571.00	\$ 34,629.00
2018-19	\$ 32,470.20	\$ 20,349.00	\$ 52,819.20
2019-20	\$ 41,223.00	\$ 29,127.00	\$ 70,350.00
2020-21	\$ 48,552.00	\$ 37,905.00	\$ 86,457.00
2021-22	\$ 54,709.20	\$ 46,683.00	\$ 101,392.20
2022-23	\$ 48,232.80	\$ 46,683.00	\$ 94,915.80
Totals	\$ 248,245.20	\$ 192,318.00	\$ 440,563.20

**Sanford City Council
Recommendation of Sanford Planning Board Regarding
Application #547-2015-01 to Amend the City of Sanford Zoning Map
Meeting Date: January 5, 2016**

RECOMMENDATION FROM PLANNING BOARD:

The Sanford Planning Board recommends that the Sanford City Council support the request to rezone a 0.73 acre +/- tract of land addressed as 2111 Dalrymple Street from Residential-Mixed (R-6) to General Commercial (C-2) as it appears to be reasonable and in the public interest since it is in close proximity to commercially zoned and developed properties, it has access to public water & public sanitary sewer, it is located on a busy public street in close proximity to S. Horner Blvd and, it generally seems to be an ideal location for a business.

The 2020 Land Use Plan Map recommendation of the subject property as Mid/High Density Residential-Office was taken into consideration; however, given the proximity of the site to S. Horner Blvd, the volume of traffic, and the adjoining General Commercial (C-2) zoning, it was decided that the General Commercial (C-2) zoning district was appropriate.

REZONING REPORT FROM DECEMBER 15, 2015 AGENDA

APPLICANT & PROPERTY OWNER: ACA/PJA, LLC -

Mr. Paul J. Adcock, Member/Manager

REQUEST: Rezone from Residential-Mixed (R-6) District to General Commercial (C-2) District

LOCATION: 2111 Dalrymple Street, Sanford, NC 27332 (Vacant Lot)

TOWNSHIP: Jonesboro

TAX PARCEL NO.: Tax Parcel 9652-53-0151-00, Lee County Tax Map 9552.14 and 9652.15

ADJACENT ZONING:

North: General Commercial (C-2)

South: Residential-Mixed (R-6)

East: General Commercial (C-2) and Residential-Mixed (R-6), Opposite Dalrymple St.

West: Residential-Mixed (R-6), Opposite Buchanan Street (an unimproved R/O/W)

Introduction

The owner would like to rezone the subject property from residential to commercial with the intent of marketing the property for commercial development. Per the Rezoning Application, the area is becoming a commercial area and there does not appear to be interest in developing the site in a residential manner.

Site and Area Description

The subject property is a 0.73 acre lot located on the western side of Dalrymple Street, opposite the rear entrance to First Citizens Bank and adjoining the Holiday Inn Express & Suites to the south. The site was formerly developed with a single-family home that was removed in 2011 per tax information and GIS aerial images. Commercial uses in the area include the Holiday Inn Express & Suites motel, the Kangaroo convenience store with gas sales, First Citizens Bank, all of which are located north of the site - either adjoining or on the opposite side of Dalrymple Street. The area south of the site, both adjoining and on the opposite side of Dalrymple Street, is developed with single-family residential homes. There is one single-family home located on an adjoining lot to the south of the site that is addressed as 2115 Buchanan Street.

Utilities

The subject property appears to have access to public water and public sewer. All redevelopment would need to be approved by the City of Sanford Public Works Department to verify compliance with all applicable regulations.

Staff Analysis

The current zoning district of Residential-Mixed (R-6) district is established to provide higher density residential living opportunities with compact development consisting of the full spectrum of residential unit types where adequate public facilities and services are available. Unit types may include single family attached dwellings, townhouses, duplexes and apartments, with a maximum of seven dwelling units per acre except as otherwise provided in the UDO. R-6 may serve as a transitional district between lower density residential and low intensity commercial uses. This district is intended to allow a mix of residential unit types and densities to provide a balance of housing opportunities while maintaining neighborhood compatibility. R-6 supports the principles of concentrating urban growth and reinforcing existing community centers. The R-6 district requires a minimum building setback of 20-ft from the public street right-of-way line, 20-ft from the rear property line and 8-ft from the side property lines. This lot is considered a "through" lot, which has two frontages on public street right-of-ways, even though only one right-of-way (Dalrymple Street) is developed. A list of permitted uses for the R-6 zoning district is included within the agenda for your reference.

The proposed zoning district of General Commercial (C-2) 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 and should be located on or within proximity to major thoroughfares. The C-2 district requires a minimum building setback of 10-ft from the public street right-of-way line with the required landscape buffer yard width determining the required rear and side yard setbacks. A list of permitted uses for the C-2 zoning district is included within the agenda for your reference.

Transportation

The subject property has 90ft of road frontage on Dalrymple Street, a City maintained public street. Any/all driveway changes or redevelopment plans for the site should be reviewed and approved by the appropriate governing agencies for compliance with maintenance and safety standards.

The 2007 Lee County Comprehensive Transportation Plan illustrates Dalrymple Street as an existing minor thoroughfare, but no improvements are recommended. There is no NCDOT Traffic Study information available for Dalrymple Street

Environmental & Local Overlay Districts

The subject property does not appear to be located within a Watershed Conservation Overlay District, a Flood Hazard Area, the 421 Bypass Corridor, a designated local historic district or the areas included within the adopted small area plans.

Development Standards

If rezoned, all of the uses permitted in the General Commercial (C-2) zoning district would be allowed and any future redevelopment of the subject property will be required to meet the current development standards of the Unified Development Ordinance.

Conformance with the Sanford/Lee County 2020 Land Use Plan

The 2020 Land Use Plan identifies this area as being Mid-High Density Residential Office, which identifies areas that are appropriate for medium & high density residential development, including single-family, duplexes, and multi-family developments as well as office development. Please note that when considering the zoning of this property, current development trends and the surrounding zoning of the neighborhood should also be considered.

Planning & Development Staff Recommendation

Staff recognizes that this section of Dalrymple Street does have a considerable amount of vehicular traffic and is located between the Downtown Jonesboro area and S. Horner Blvd, which does not lend itself to the former single-family land use; therefore, it does appear to be reasonable and in the public interest to rezone the subject property to a commercial zoning district. However, given the precedent set with the rezoning of 2211, 2213 & 2215 Dalrymple Street in 2013 (located approximately 340ft southeast of the subject property), the feedback from the neighborhood in the past (facilitated by the 2013 rezoning request) and the UDO purpose statements for the zoning districts, staff suggests that the applicant rezone to the Neighborhood Commercial (NC) zoning district as opposed to the General Commercial (C-2) zoning district since it would allow the property owner to make reasonable use of the land while acknowledging that this area appears to be transitioning from single-family residential to commercial.

The 2020 Land Use Plan Map recommendation of the subject property as Mid/High Density Residential-Office was taken into consideration by staff when making our recommendation; however, given the proximity of the site to S. Horner Blvd, the volume of traffic that appears to use this section of Dalrymple Street as a “cut-through” from Main Street to S. Horner Blvd, the adjoining and nearby commercial zoning, and the availability of public utilities, it was decided that the Neighborhood Commercial (NC) zoning district was appropriate.

Please note that information presented at the public hearing should also be considered regarding a final decision on the requested zoning map amendment.

The following information is provided for your reference:

Article 4, Zoning District Regulations, Section 4.3 Purpose Statements, Sub-section 4.3.1 Purpose Statements for General Use Zoning Districts –

GENERAL COMMERCIAL DISTRICT (C-2)

The 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. This shall not apply where an existing building or structure used as permitted within the C-2 District has been established prior to the adoption of this Ordinance on a parcel subject to an application for rezoning.

NEIGHBORHOOD COMMERCIAL DISTRICT (NC)

The NC district is established to provide small areas for office and professional services combined with shop front retail uses, shops for artisans and craftsmen, designed in scale with surrounding residential uses. This district provides a balance of residential and non-residential land use opportunities reflecting the economic needs of residents and business owners. Location of NC districts should include lots, parcels or tracts located at the intersections of collector streets, including collector/collector and minor thoroughfare/collector, except where an existing building or structure used as permitted in the NC District has been established prior to the adoption of this Ordinance on a parcel subject to an application for rezoning. The distance shall be measured between the closest boundaries of the two (existing and proposed) districts.

Ordinance 2016 -

**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 ACA/PJA, LLC to rezone a vacant 0.73 acre +/- tract of land addressed as 2111 Dalrymple Street, depicted on Lee County Tax Map 9552.14 and 9652.15 as Tax Parcel 9652-53-0151-00 Lee County Land Records, from Residential-Mixed (R-6) to General Commercial (C-2); 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 December 15, 2015 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 a vacant 0.73 acre +/- tract of land addressed as 2111 Dalrymple Street, depicted on Lee County Tax Map 9552.14 and 9652.15 as Tax Parcel 9652-53-0151-00 Lee County Land Records, from Residential-Mixed (R-6) to General Commercial (C-2) zoning district. A copy of the subject property zoning map is included as Attachment A.

In making this decision, the City Council of the City of Sanford hereby finds that - even though it is not consistent with the 2020 Land Use Plan designation as Mid/High Density Residential-Office – the request appears to be reasonable and in the public interest since the site adjoins General Commercial (C-2) zoned properties, it is located on a busy public street in close proximity to S. Horner Blvd and it has access to public utilities.

ADOPTED this the 5th day of January, 2016.

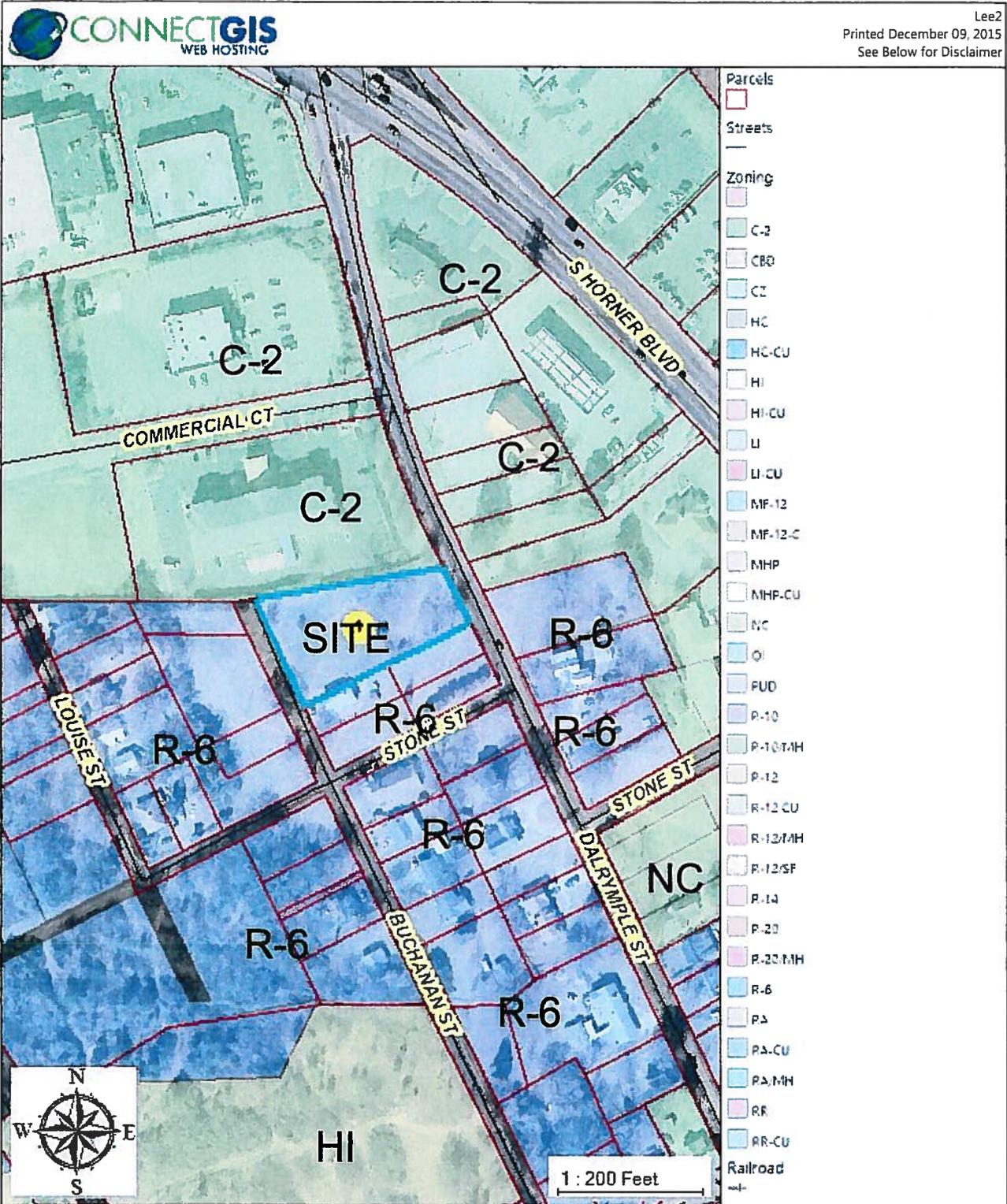
ATTEST:

Bonnie Davis, City Clerk

T. Chet Mann, Mayor

APPROVED AS TO FORM:

Susan C. Patterson, City Attorney



This site is prepared for the inventory of real property found within this jurisdiction and is compiled from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this site. The County of Lee and Mobile311, LLC assume no legal responsibility for the information contained on this site. Please be advised that you must contact the Lee County Tax Office for accurate tax values. Please contact the Lee County Appraisal Department if any building information is incorrect. The map, layer, data and website (collectively known as "the layer") are for graphical and illustration purposes only. The Lee County Strategic Services Department (hereinafter "the Department") provides the layer and the information contained within to the general public and has not customized the information for any specific or general purpose. Such information was generated from data maintained by different sources and agencies and as such, some limitations may apply based upon restrictions imposed by other sources or agencies supplying data to Lee County (hereinafter "the County"). While the Department strives to make the information on the GIS website as timely, reliable and accurate as possible, neither the Department nor the County local governments make any claims, promises, or guarantees about the accuracy, completeness or adequacy of the

Ordinance 2016 -

**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 ACA/PJA, LLC to rezone a vacant 0.73 acre +/- tract of land addressed as 2111 Dalrymple Street, depicted on Lee County Tax Map 9552.14 and 9652.15 as Tax Parcel 9652-53-0151-00 Lee County Land Records, from Residential-Mixed (R-6) to Neighborhood Commercial (NC); 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 December 15, 2015 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 a vacant 0.73 acre +/- tract of land addressed as 2111 Dalrymple Street, depicted on Lee County Tax Map 9552.14 and 9652.15 as Tax Parcel 9652-53-0151-00 Lee County Land Records, from Residential-Mixed (R-6) to Neighborhood Commercial (NC) zoning district. A copy of the subject property zoning map is included as Attachment A.

In making this decision, the City Council of the City of Sanford hereby finds that the request appears to be reasonable and in the public interest given the precedent set with the rezoning of 2211, 2213 & 2215 Dalrymple Street in 2013 (located approximately 340ft southeast of the subject property), the feedback from the neighborhood at the time of the 2013 rezoning request, and the UDO purpose statements for the zoning districts. Neighborhood Commercial (NC) zoning would allow the property owner to make reasonable use of the land while acknowledging that this area appears to be transitioning from single-family residential to commercial.

The 2020 Land Use Plan Map recommendation of the subject property as Mid/High Density Residential-Office was taken into consideration; however, given the proximity of the site to S. Horner Blvd, the volume of traffic that appears to use this section of Dalrymple Street as a "cut-through" from Main Street to S. Horner Blvd, the adjoining and nearby commercial zoning, and the availability of public utilities, it was determined that the Neighborhood Commercial (NC) zoning district was appropriate.

ADOPTED this the 5th day of January, 2016.

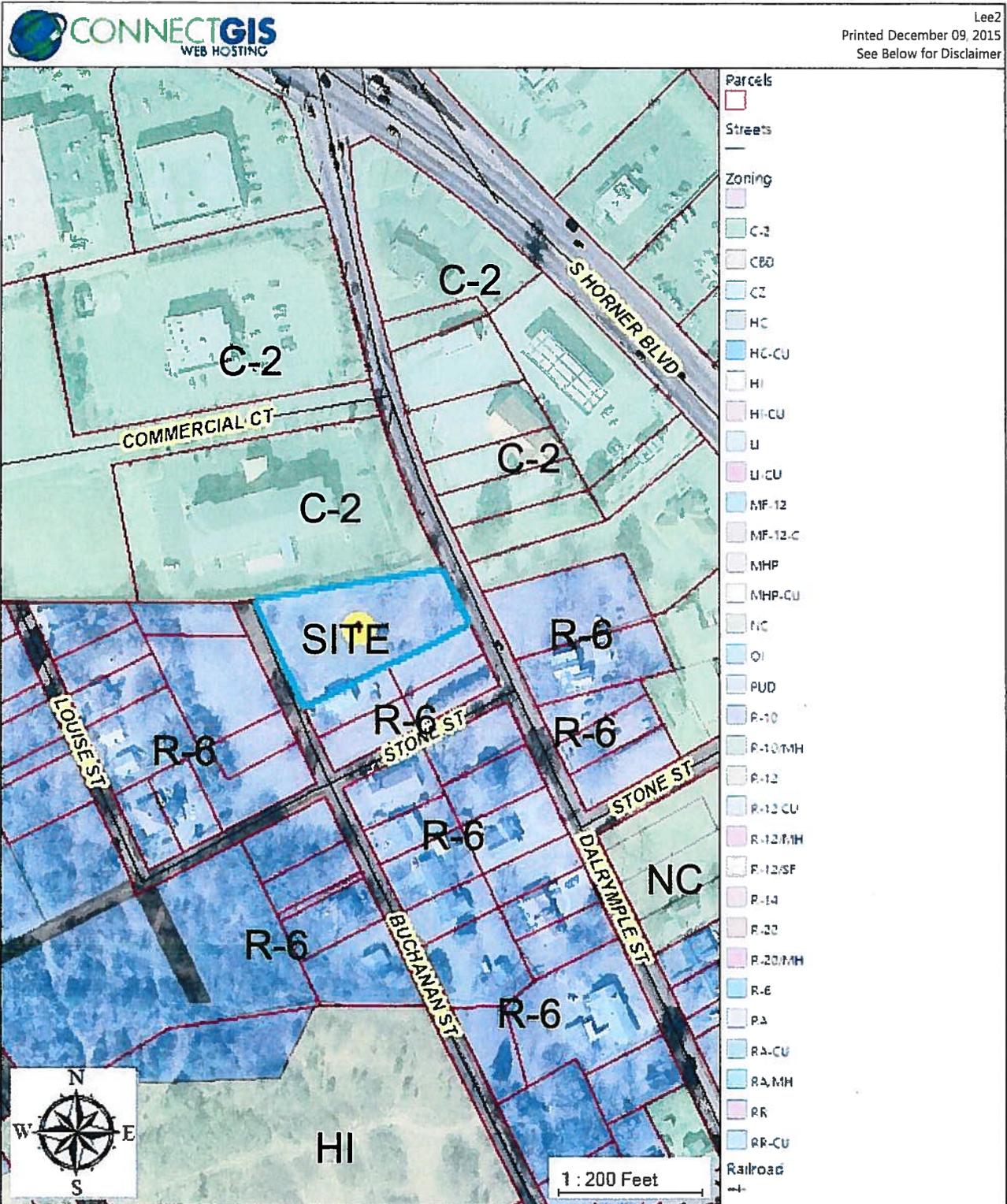
ATTEST:

Bonnie Davis, City Clerk

T. Chet Mann, Mayor

APPROVED AS TO FORM:

Susan C. Patterson, City Attorney



This site is prepared for the inventory of real property found within this jurisdiction and is compiled from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this site. The County of Lee and Mobile311, LLC assume no legal responsibility for the information contained on this site. Please be advised that you must contact the Lee County Tax Office for accurate tax values. Please contact the Lee County Appraisal Department if any building information is incorrect. The map, layer, data and website (collectively known as "the layer") are for graphical and illustration purposes only. The Lee County Strategic Services Department (hereinafter "the Department") provides the layer and the information contained within to the general public and has not customized the information for any specific or general purpose. Such information was generated from data maintained by different sources and agencies and as such, some limitations may apply based upon restrictions imposed by other sources or agencies supplying data to Lee County (hereinafter "the County"). While the Department strives to make the information on the GIS website as timely, reliable and accurate as possible, neither the Department nor the County local governments make any claims, promises, or guarantees about the accuracy, completeness or adequacy of the

**Sanford City Council
Recommendation of Sanford Planning Board Regarding
Application #547-2015-02 to Amend the City of Sanford Zoning Map
Meeting Date: January 5, 2016**

RECOMMENDATION FROM PLANNING BOARD:

The Sanford Planning Board recommends that the Sanford City Council support the request to rezone from Ryder Downs Apartments & Lakeview Townhomes MF-12 Multi-family Residential Conditional Zoning District (Revision #1) to Ryder Downs Apartments & Lakeview Townhomes MF-12 Multi-family Residential Conditional Zoning District (Revision #2) as it is consistent with the 2020 Land Use Plan because, even though the plan does not identify a specific land use for the subject property, the recommendation takes the original 2006 rezoning approval, current development trends of the neighborhood and the surrounding zoning districts into consideration. Further, the board finds that the rezoning request is reasonable and in the public interest based on the information/conditions as presented in the petition and attachments (the changes do not appear to adversely affect the character or integrity of the overall design of the project associated with this conditional zoning district), the availability of public utilities, the surrounding lands uses and zoning patterns in the area.

REZONING REPORT FROM DECEMBER 15, 2015 AGENDA

APPLICANT & PROPERTY OWNER: Ryder Downs, LLC

REQUEST: Rezone from Ryder Downs Apartments & Lakeview Townhomes MF-12 Multi-family Residential Conditional Zoning District (Revision #1) to Ryder Downs Apartments & Lakeview Townhomes MF-12 Multi-family Residential Conditional Zoning District (Revision #2) to allow for the development of a multi-family apartment and townhome community with revisions to the design as originally approved in October of 2006 and as previously approved with revisions in January of 2015.

LOCATION: The subject property is located along the west side of Pendergrass Road, just north of the intersection of Belford Drive and includes property formerly addressed as 1718 and 1726 Pendergrass Road and currently addressed as 500-583 Ryder Lake Drive, 100-328 Saddlebrook Drive and 400-479 Trotter Drive, Sanford, N.C. 27330.

TOWNSHIP: Pocket

TAX PARCEL NO.: 9631-36-3857-00, as depicted on Tax Map 9631.01

ADJACENT ZONING:

North: Residential Single-family (R-20) and Residential Restricted (RR)
 South: Multi-family (MF-12)
 East: Residential Single-family (R-20), Residential Restricted (RR) and Residential-Mixed (R-12), opposite Pendergrass Road
 West: Residential Restricted (RR) and Residential Restricted (RA)

Site HistoryMF-12 Multi-family Residential Conditional Zoning District (Original)

In October of 2006, the Sanford City Council approved a rezoning request by Mr. Keith Phillips of Phillips Management Group, Inc. to develop a multi-family apartment and townhome community on two tracts of land off of Pendergrass Road via the site plan specific conditional zoning process. This approval was based on the rationale that the request appeared to be consistent with the spirit and intent of the 2020 Land Use Plan and that it was reasonable and in the public interest due to the availability of public utilities, and the proximity of mixed density residential development, including multi-family along Pendergrass Road.

Ryder Downs Apartments & Lakeview Townhomes MF-12 Multi-family Residential Conditional Zoning District (Revision #1)

In November of 2014, with the site still under construction, Mr. Keith Phillips of Ryder Downs, LLC submitted a rezoning request to alter components of the approved site plan associated with this conditional zoning district. (Mr. Phillips owns Phillips Management, Inc., the original applicant for this project and Ryder Downs, LLC, the current property owner/developer.) Since the development of this site was approved via a site plan specific conditional zoning district, any/all changes to the site plan must be approved by the City Council. Please reference information within the “Staff Analysis” section of this report for specifics regarding this request.

IntroductionRyder Downs Apartments & Lakeview Townhomes MF-12 Multi-family Residential Conditional Zoning District (Revision #2)

In November of 2015, with the site still under construction, Mr. Keith Phillips of Ryder Downs, LLC submitted a rezoning request to alter components of the approved site plan associated with this conditional zoning district. Since the development of this site was approved via a site plan specific conditional zoning district, any/all changes to the site plan must be approved by the City Council. Please reference information within the “Staff Analysis” section of this report for specifics regarding this request.

Site and Area Description

The site consists of one tract of land (recently recombined) comprising approximately 50.11 acres located off of Pendergrass Road that is currently being developed as per the approved plans (an active construction site).

Utilities

This site is currently served by public water and sewer, which was extended to serve the approved apartment and townhome project. 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.

Existing Zoning and Land Uses

The property adjoining to the north is zoned Residential Restricted (RR) and is developed with single-family homes. The adjoining property to the south is zoned Residential Restricted (RR) and is developed with single-family homes or is zoned Multi-family (MF-12) and is either vacant or developed as single-family homes within Westfield Subdivision. The property to the west is zoned Residential Restricted (RR) and Residential Agricultural (RA) and is either vacant or developed with single-family homes. The property to the east, opposite Pendergrass Road, is zoned Residential Single-family (R-20) and Residential Restricted (RR) and is developed as a farm field or is zoned Residential-Mixed (R-12) and is developed with as Woodland Heights apartment community.

Staff Analysis

Ryder Downs Apartments & Lakeview Townhomes MF-12 Multi-family Residential Conditional Zoning District (Revision #2) 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 city's 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 detailed 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.

In general terms, the owner/developer has requested that the overall site lighting be revised and that the townhome component of the project be updated in terms of unit mix & overall site development so that it reflects the demographic in Sanford and to update the townhome floorplans to make them current in design and features.

Specifically, the following conditions were included within the written narrative and/or the illustrative information provided as part of the original 2006 rezoning application and are requested to be modified:

- The decorative acorn globe outdoor site lighting (labeled "Post Top Style A) is proposed to be replaced with traditional coach-style LED site lighting (labeled "Open Traditional LED Style M"). Please reference the Duke Energy informational handouts for illustrations and information regarding the approved and proposed site lighting.
- The approved overall site plan is proposed to be revised in the area of the townhome community. The original "loop" design within the townhome area would be replaced with a linear cul-de-sac design.

- The twenty townhome buildings, with three dwellings units each, for a total of sixty units would be revised to thirteen townhome buildings, with four dwelling units each, for a total of fifty-two units; thereby, reducing the total number of townhome buildings by seven and the total number of townhome units by eight.
- Fourteen of the townhome units were originally proposed to have garages and with the revised design, twenty-four of the units (all of the end units) will now have garages. All of the units will still have, at minimum, a two-car paved driveway.

All other conditions are proposed to remain the same as previously approved. As with the original 2006 rezoning of the site and the prior 2015 revision, the information submitted as part of this revised rezoning request 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. Also, as a reminder, the conditional zoning process is a negotiated zoning process and, as such, the 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.

The technical specifications and requirements of all governmental agencies, such as the City of Sanford Engineering Dept. and the Sanford Fire Dept., must be met for the conceptual plans and conditions that are approved in conjunction with this project.

Transportation

The project will have two points of access: (a) new driveway from Pendergrass Road (SR1334) and (b) a new public street that will connect with Belford Drive. The plan indicates that the new connection to Pendergrass Road will have a left turn lane installed for northbound traffic. The access road will be a private road and is designed to include dual exit lanes to separate right and left turn movements. NCDOT is requiring a left turn lane and appropriate taper lanes at the intersection with Pendergrass Road.

The second connection will require the short extension of Belford Drive which is currently a short, dead-end stub street that serves the 22 lots within Westfield Subdivision. This short extension will connect with a new City maintained public street that will serve the townhome portion of the project.

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 1,700 feet east of the subject property, in front of the McDonalds restaurant driveway at 1909 Pendergrass Road.

Environmental & Local Overlay Districts

The subject property is not located within a Watershed Conservation Overlay District, a Historic Preservation Overlay District, a Flood Hazard Area or the 421 Bypass Corridor. There are regulated environmentally sensitive areas (wetlands) illustrated on the site plan for this project, which the overall project design appears to take into consideration. The

developer is responsible for complying with any/all state and federal regulations regarding existing environmental conditions.

Development Standards

If the conditional zoning district is allowed to be amended, the site must be developed in the manner approved by the boards (with the proposed changes approved and the existing conditions remaining in effect) and only the uses permitted in the Ryder Downs Apartments & Lakeview Townhomes MF-12 Multi-family Residential Conditional Zoning District (Revision #2) and other uses typically associated with multi-family development would be permitted.

Staff recommendations typically address the land use in relation to the 2020 Land Use Plan and compliance with the UDO design standards as opposed to the specific details created by the applicant.

Conformance with the Sanford/Lee County 2020 Land Use Plan

The 2020 Land Use Plan Map does not identify a specific land use for the subject property. This land use was originally approved in 2006 with revisions to the design approved in January of 2015 and the site is currently under construction.

(There is no staff recommendation included within this staff report since the rezoning request is simply to modify the existing conditions that have been placed on a site plan specific conditional zoning district for which the land use has previously been approved.)

Ordinance 2016 -

**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 Ryder Downs, LLC to rezone 50.11 acres located along the west side of Pendergrass Road, north of the intersection of Belford Drive and including property formerly addressed as 1718 and 1726 Pendergrass Road and currently addressed as 500-583 Ryder Lake Drive, 100-328 Saddlebrook Drive and 400-478 Trotter Drive, and depicted on Lee County Tax Map 9631.01 as Tax Parcel 9631-36-3857-00 Lee County Land Records, from Ryder Downs Apartments & Lakeview Townhomes MF-12 Multi-family Residential Conditional Zoning District (Revision #1) to Ryder Downs Apartments & Lakeview Townhomes MF-12 Multi-family Residential Conditional Zoning District (Revision #2) to allow for the development of a multi-family apartment and townhome community with revisions to the design as previously approved in October of 2006 and January of 2015; 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 December 15, 2015 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 50.11 acres located along the west side of Pendergrass Road, north of the intersection of Belford Drive and including property formerly addressed as 1718 and 1726 Pendergrass Road and currently addressed as 500-583 Ryder Lake Drive, 100-328 Saddlebrook Drive and 400-478 Trotter Drive, and depicted on Lee County Tax Map 9631.01 as Tax Parcel 9631-36-3857-00 Lee County Land Records, from Ryder Downs Apartments & Lakeview Townhomes MF-12 Multi-family Residential Conditional Zoning District (Revision #1) to Ryder Downs Apartments & Lakeview Townhomes MF-12 Multi-family Residential Conditional Zoning District (Revision #2) to allow for the development of a multi-family apartment and townhome community with revisions to the design as previously approved in October of 2006 and January of 2015.

In making this decision, the Sanford City Council hereby finds that the proposed ordinance is consistent with the 2020 Land Use Plan because (even though the plan does not identify a specific land use for the subject property) the original 2006 rezoning approval, current development trends of the neighborhood and the surrounding zoning districts were taken into consideration. Further, the board finds that the rezoning request is reasonable and in the public interest based on the information/conditions as presented in the petition and attachments (the

Ordinance 2016 -

changes do not appear to adversely affect the character or integrity of the overall design of the project associated with this conditional zoning district), the availability of public utilities and the surrounding lands uses and zoning patterns in the area.

The City Council also finds that because this is a conditional zoning request that the Ryder Downs Apartments & Lakeview Townhomes MF-12 Multi-family Residential Conditional Zoning District (Revision #1) shall include the following conditions:

- The decorative acorn globe outdoor site lighting is proposed to be replaced with traditional coach-style LED site lighting.
- The approved overall site plan is proposed to be revised in the area of the townhome community. The original “loop” design within the townhome area would be replaced with a linear cul-de-sac design.
- The twenty townhome buildings, with three dwellings units each, for a total of sixty units would be revised to thirteen townhome buildings, with four dwelling units each, for a total of fifty-two units; thereby, reducing the total number of townhome buildings by seven and the total number of townhome units by eight.
- Fourteen of the townhome units were originally proposed to have garages and with the revised design, twenty-four of the units (all of the end units) will now have garages. All of the units will still have, at minimum, a two-car paved driveway.

All other conditions are proposed to remain the same as previously approved as per the original 2006 rezoning (reference Ordinance 2006-56) and the 2015 revised rezoning (reference Ordinance 2015-03). A copy of the subject property zoning map and exhibits are included as Attachments A, B, C and D.

ADOPTED this the 5th day of January, 2016.

T. Chet Mann, Mayor

ATTEST:

Bonnie Davis, City Clerk

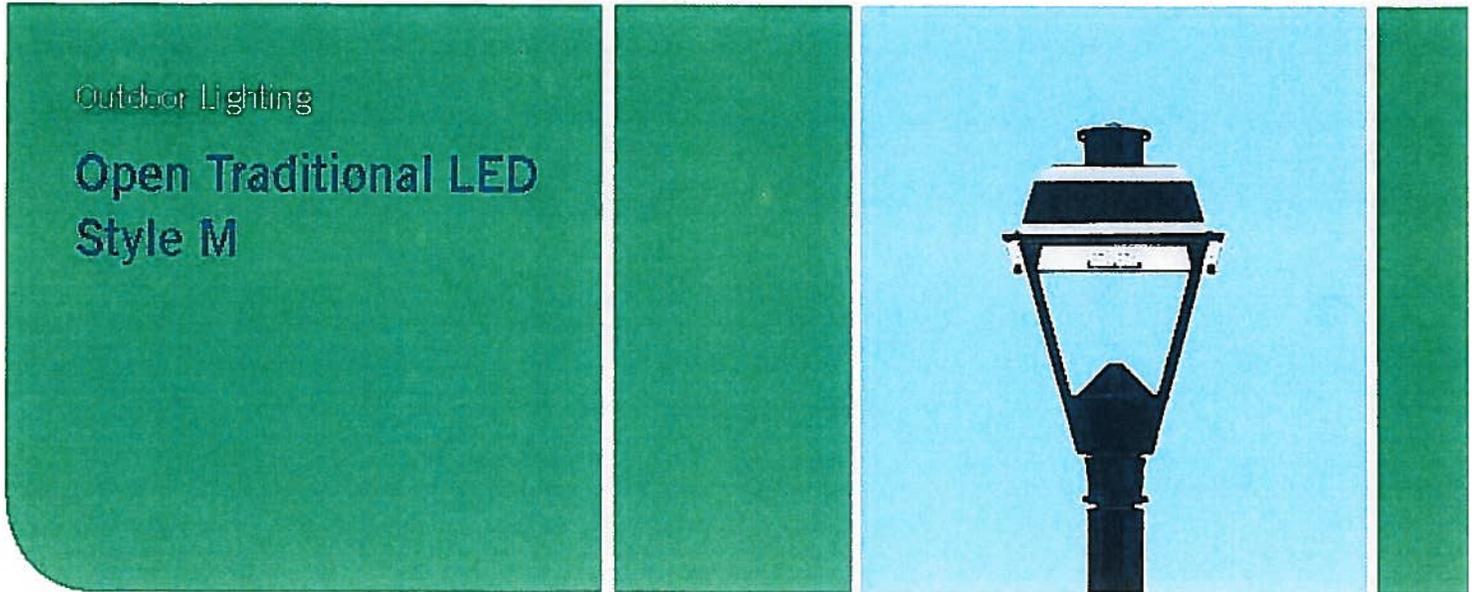
APPROVED AS TO FORM:

Susan C. Patterson, City Attorney

BENEFITS:

- * WE WERE ABLE TO ACHIEVE THE ORIGINAL ASTHETIC
- * ANNUAL ESTIMATED SAVINGS OF OVER 1900.00

Proposed Traditional LED Site Lighting



Designed to reduce light pollution, the Open Traditional LED fixture provides an energy-efficient installation with curb appeal. This coach light evokes the charm of New England and is an excellent choice for illuminating streetscapes and pedestrian areas.

LED 50 watts
(Light Emitting Diode)

Mounting heights 12', 13', 16'

Color Black

Poles Smooth round concrete
Fluted concrete
Fiberglass
Decorative aluminum

For additional information, visit us at duke-energy.com/OutdoorLighting or call us toll free at 866.769.6417.

Outdoor Lighting

Open Traditional LED – Style M

Light source: LED (*white*)

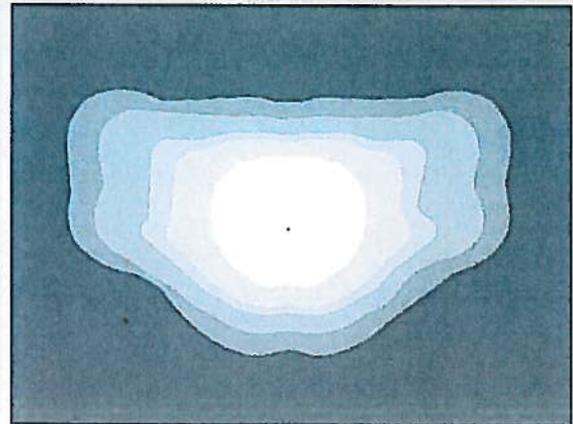
Wattage: 50

Lumens: 3,230

Light pattern: IESNA Type III (*oval*)

IESNA Backlight – Uplight – Glare (BUG) Rating: B1-U0-G1

Color temperature: 4,000K

*light distribution pattern*

Poles available:

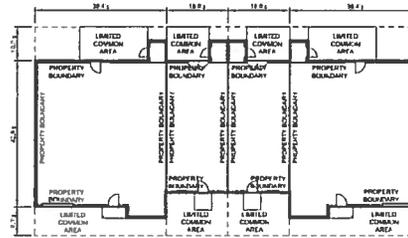
<i>Name</i>	<i>Mounting height</i>	<i>Color</i>
Smooth concrete	12', 16'	Black
Fluted concrete	13'	Black
Fiberglass	16'	Black
Decorative aluminum	12', 16'	Black

Features

Benefits

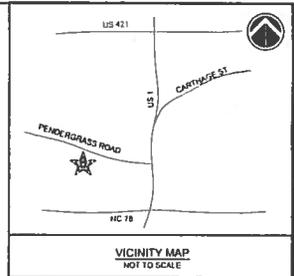
Little or no installation cost	Frees up capital for other projects
Design services by lighting professionals included	Meets industry standards and lighting ordinances
Maintenance included	Eliminates high and unexpected repair bills
Electricity included	Less expensive than metered service
Warranty included	Worry-free
One low monthly cost on your electric bill	Convenience and savings for you
Turnkey operation	Provides hassle-free installation and service
Backed by over 40 years of experience	A name you can trust today ... and tomorrow

REFERENCE MATERIAL
 PROPOSED SITE PLAN
 Enlargement of the South Area
 Phase 4 - Lakeview Townhome Community



SITE DATA
 DEVELOPER: PRESTON DEVELOPMENT GROUP LLC
 1400 BATTLEGROUND AVE.
 SUITE 201
 GREENSBORO, NC 27409
 PHONE: (336) 274-2484

ENGINE/SURVEYOR: ALLED DESIGN, INC.
 4720 KESTER HILL ROAD
 WINGTONGALEM, N.C. 27170
 PHONE: (336) 785-2217
 FAX: (336) 760-8886
 STEVE M. CAUSEY P.E.



Allied Design, Inc.
 CIVIL ENGINEERS AND SURVEYORS
 4720 KESTER HILL ROAD
 WINGTONGALEM, NORTH CAROLINA 27170
 Phone: (336) 785-2217
 Fax: (336) 760-8886
 E-mail: Steve@Allied.com



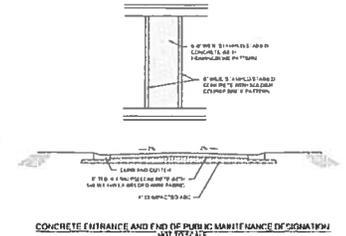
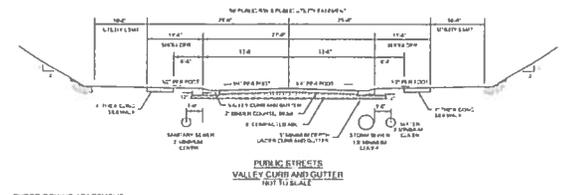
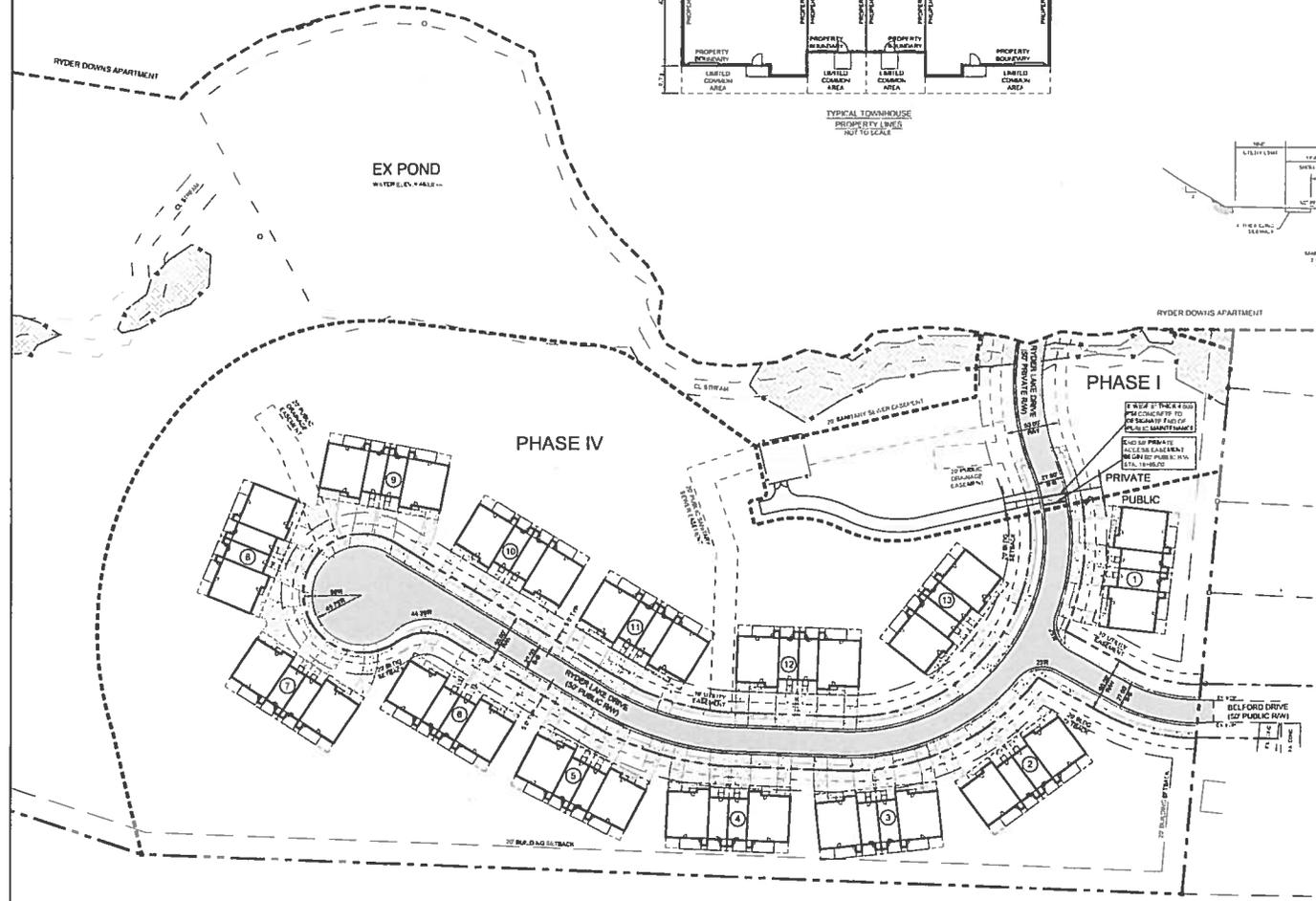
PRELIMINARY
 SITE PLAN
 FOR THE ARCHITECTURAL BOARD
 REVIEW ONLY
 FROM LICENSE C-1891

RYDER DOWNS APARTMENTS
 AND LAKEVIEW TOWNHOMES
 PRESTON DEVELOPMENT GROUP LLC
 SANFORD
 NORTH CAROLINA

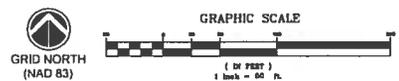
PROJECT NO: 0194
 DRAWN BY: [blank]
 CHECKED BY: [blank]
 DATE: 12/21/15

NO.	DATE	REVISIONS

PHASE IV
 REVISED
 PRELIMINARY
 SITE PLAN
 SHEET
C1



TOTAL PROJECT AREA: 51.42A
 DFD BOOK & PAGE: 0194-038-00303
 ZONING: MF-12 (12 UNITS/ACRE) - CONDITIONAL
 TOTAL SITE DENSITY: 324 UNITS = 6.30 UNITS/ACRE
LEGENDS
 TOWNHOMES: DECORATIVE 12' POLES WITH "ACORN" FEATURES
TOWNHOMES:
 13 BUILDINGS @ 4 UNITS PER BUILDING = 52 UNITS
 (57 UNITS APPROVED PER ORIGINAL PRELIMINARY SITE PLAN)
 UNITS WITH GARAGES = 26
 ALL OTHER TOWNHOMES TO HAVE 2-CAN DRIVEWAY
SOLID WASTE DISPOSAL: INDIVIDUAL PICKUP
INFRASTRUCTURE:
 WATER: PUBLIC
 SEWER: PRIVATE
 STREETS: PUBLIC WITH 50' RIGHT-OF-WAY



GRID NORTH
 (NAD 83)

**Consideration of a Preliminary Plat for
Ryder Downs, LLC Subdivision
Sanford City Council Meeting January 5, 2016**

RECOMMENDATION FROM PLANNING BOARD:

The Sanford Planning Board recommends approval of the preliminary subdivision plat as proposed as it appears to correspond with the site plan specific conditional zoning district for the multi-family project.

Introduction

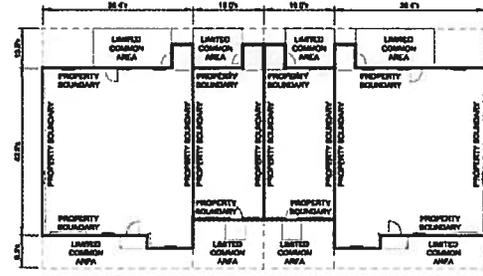
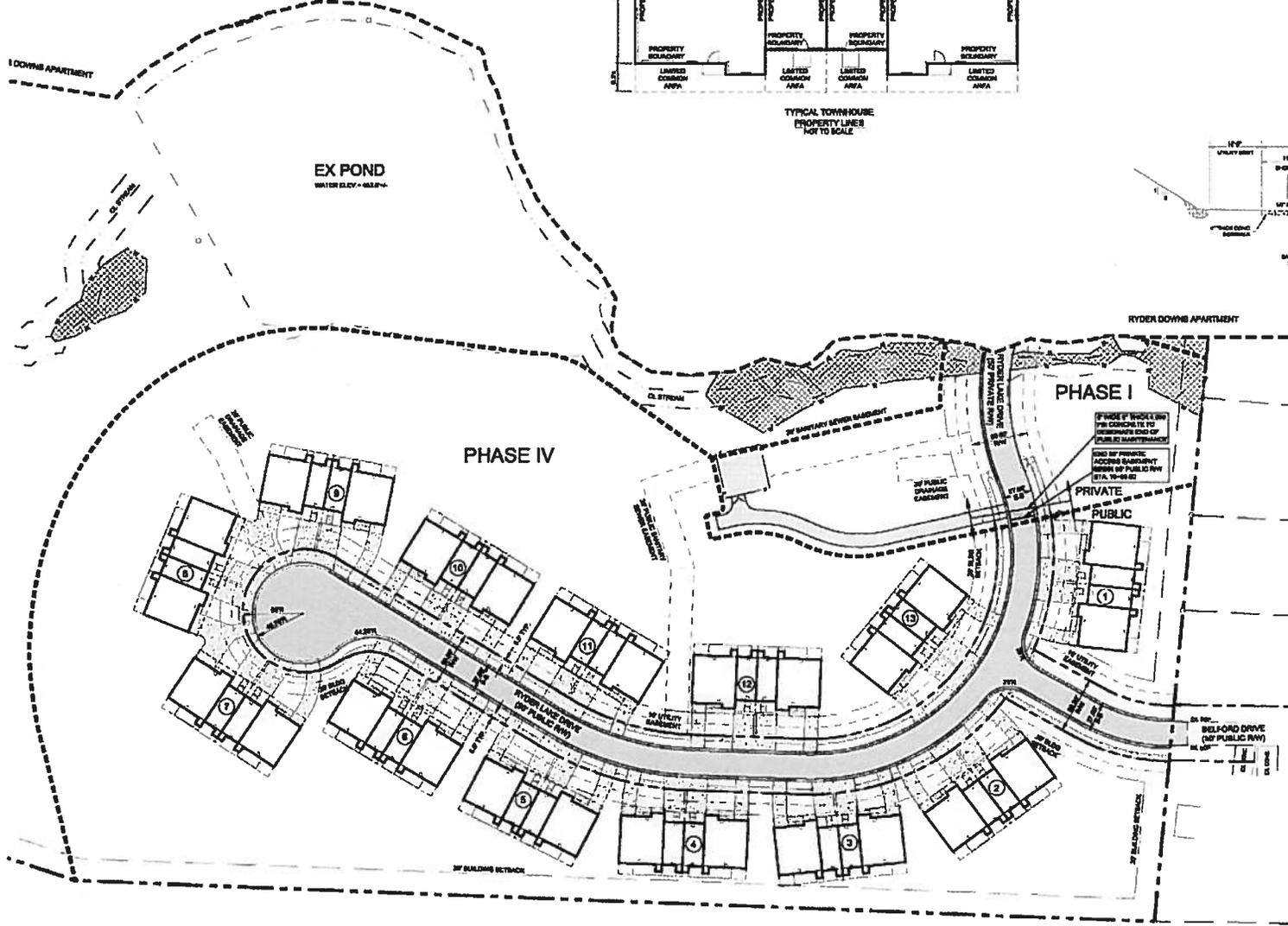
Ryder Downs, LLC, is seeking preliminary plat approval for a 52 lot townhome community that is part of the Ryder Downs Apartments & Lakeview Townhomes project. This community will be served by public water, public sanitary sewer and public streets (all City maintained) with a proposed connection to Belford Drive. The subject property is a portion of a 50.11 acre tract, located within the corporate limits of the City of Sanford.

Location:	Ryder Downs Apartments and Lakeview Townhomes community
Property Owner:	Ryder Downs, LLC
Developer:	Ryder Downs, LLC
Project Engineer:	Allied Design, Inc.
Project Surveyor:	Allied Design, Inc.
Township:	Pocket
Tax Parcel:	9652-53-0151-00
Tax Map:	9552.14 and 9652.15
Zoning:	Ryder Downs Apartments & Lakeview Townhomes MF-12 Multi-family Residential Conditional Zoning District (Revision #2)
Total Site Acreage:	50.11 +/- (portion of)
Total Lots:	52 townhome lots & one large lot developed with apartments
Minimum Lot size:	To be determined as a condition of the zoning district
Smallest Lot Size:	18ft x 62ft = 1,115sf +/- for the two middle townhome units
Largest Lot Size:	38.4ft x 62ft = 2,381sf +/- for the two end townhome units with garages
Linear Ft in Street:	7,500lf+/-
Street(s):	Public, proposed to be maintained by City of Sanford
Water:	Public, proposed to be maintained by City of Sanford
Sewer	Public, proposed to be maintained by City of Sanford

Other Conditions and Requirements

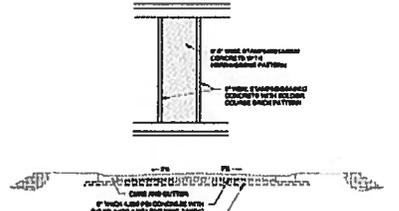
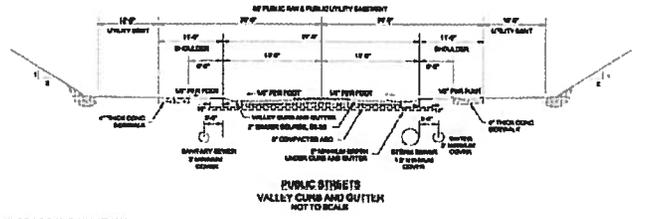
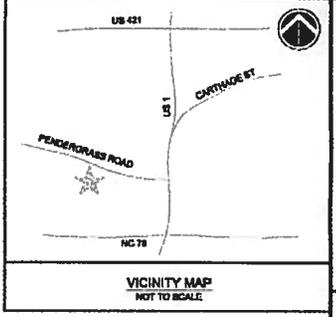
- 1.) The request to revise the current conditional zoning district must be approved.
- 2.) The NCDENR approval for the overall project is on file.
- 3.) The NCDOT approval for the overall project is on file.
- 4.) The preliminary plat shall be valid for two years if approved by the Sanford City Council.
- 5.) All public utilities (water & sanitary sewer) must be installed or a financial guarantee posted prior to recording the final plat. All financial guarantees must be accepted by the Sanford City Council

PRELIMINARY PLAT INFORMATION
Reference the overall townhome area
and the enlargement of the typical
townhomes property lines



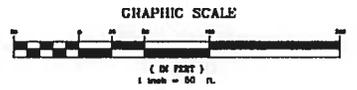
DEVELOPER: PRESTON DEVELOPMENT GROUP, LLC
1400 BATTLEGROUND AVE.
SUITE 301
GREENSBORO, NC 27406
PHONE: (336) 274-3484

ENGINEER/SURVEYOR: ALLIED DESIGN, INC.
4720 WESTER HILL ROAD
WHEATON-BALSAL, N.C. 27153
PHONE: (336) 756-2377
FAX: (336) 750-8888
STEVE H. CALDWAY, P. E.



TOTAL PROJECT ACRES: 81.40
DEED BOOK & PAGE: 01084, 0061-00363
ZONING: MF-12 (12 UNITS/ACRE) - CONDITIONAL
TOTAL SITE DENSITY: 324 UNITS = 6.30 UNITS/ACRE
LIGHTING: TOWNHOMES: DECORATIVE 1" POLES WITH 'ACORN' FIXTURES
TOWNHOMES: TO BUILDINGS @ 4 UNITS PER BUILDING = 52 UNITS
63 UNITS APPROVED PER ORIGINAL PRELIMINARY SITE PLAN
UNITS WITH GARAGES = 28
ALL OTHER TOWNHOMES TO HAVE 2-CAR DRIVEWAY
SOLID WASTE DISPOSAL: INDIVIDUAL PICKUP
INFRASTRUCTURE:
WATER: PUBLIC
SEWER: PRIVATE
STREETS: PUBLIC WITH 8' RIGHT-OF-WAY

GRID NORTH
(NAD 83)



13-008
PROJECT NO.:
DRAWN BY:
PREPARED BY:
DATE:
SCALE:
PROJECT: RYDER DOWNING APARTMENTS AND LAKEVIEW TOWNHOMES
FIRM: ALLIED DESIGN, INC.
REGISTERED PROFESSIONAL ENGINEER AND SURVEYOR
STATE OF NORTH CAROLINA
NO. 10000

Consider Presentation of Financial Summary Overview
for FY Ending June 30, 2015

Consider URP 2016 Local Match for January Application

Consider Report on GovDeals Auction Results