

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, July 20, 2004, at 7:00 P.M. The following people were present:

Mayor Winston C. Hester	Council Member Linwood S. Mann, Sr.
Mayor Pro Tem Joseph E. Martin	Council Member James G. Williams
Council Member Clawson Ellis	Council Member Walter H. McNeil, Jr.
Council Member Cornelia P. Olive	Council Member Philip E. Dusenbury
City Manager Leonard Barefoot	City Attorney Susan C. Patterson
City Clerk Bonnie D. White	

Mayor Hester called the meeting to order. Council Member Phil Dusenbury delivered the invocation. Mayor Hester introduced and welcomed Lee County Manager David Smitherman. Mr. Smitherman replaced former County Manager William K. Cowan, who retired June 30, 2004.

**APPROVAL OF AGENDA**

On motion of Council Member Linwood Mann, seconded by Council Member James Williams, the agenda was approved.

**CONSENT AGENDA**

Approval of June 30, 2004, City Council Minutes. (Filed in Minute Book 61)

Approval of Resolution of Support for the Sanford Housing Authority's Decision to Demolish Four Housing Units Located At 235, 236, 237, and 238 Talley Avenue, Sanford, North Carolina – (Exhibit A)

Resolution was approved in support of the Sanford Housing Authority's decision to demolish housing units 235, 236, 237 and 238 on Talley Avenue due to severe settling issues caused by corrugated pipes which are located from the other side of Third Street and run under these apartments. These units were built in 1963, and it would cost approximately \$65,000 to \$75,000 to repair the units.

Approval of ms consultants, inc.'s Quote for Surveying Services for Properties Along Big Buffalo Creek Clean Water Management Trust Fund Riparian Buffer Project – (Exhibit B)

Approval was granted to accept ms consultants, inc.'s quote of \$3,148 for surveying services for property along Big Buffalo Creek.

Council Member Cornelia Olive made the motion to remove Item B – Approval of New Taxicab Company Taxis La Amistad from the consent agenda. Seconded by Council Member Clawson Ellis, the motion carried 6 to 1 to remove the item from the Consent Agenda and place it under the Special Agenda as 5A. Council Member Phil Dusenbury cast the dissenting vote.

The amended consent agenda items were approved upon motion of Council Member Walter McNeil, Jr. Seconded by Mayor Pro Tem Joseph Martin, the motion carried unanimously.

**SPECIAL AGENDA**

**Presentation of Proclamation for National Night Out – (Exhibit C)**

Mayor Hester stated that the National Night Out campaign has proven to be very successful, and there are several new neighborhoods participating this year. City Manager Leonard Barefoot read the proclamation proclaiming Tuesday, August 3, as National Night Out and urged all citizens to participate in promoting cooperative, police-community crime and drug prevention efforts. Mayor Hester thanked Council Member Walter McNeil who initiated the program and City Clerk Bonnie White for assisting Mr. McNeil in coordinating this campaign.

**Approval of New Taxicab Company - Taxis La Amistad – (Exhibit D)**

City Manager Leonard Barefoot introduced the item by stating that Captain David Smith presented the request for a new taxicab company – Taxis La Amistad at the Law and Finance Committee meeting on Wednesday, July 14. Council Member Cornelia Olive stated that she felt there was some misunderstanding about this issue. Ms. Olive continued that one issue was that there was some fear that some of the ordinances had not been followed; however, Captain Smith confirmed to her that they have been met. She discussed the possibility of having these taxis painted completely in green so they would not be confused with the existing taxis in Sanford because of the color issue. Ms. Olive asked Captain Smith to tell everyone that this is not a previously owned business and is not connected with a taxi service elsewhere. Captain Smith stated that neither the applicant Nubia Jasmara Collins, nor her family, has ever been involved in any other taxi business or operation within any other City. The color of the cars cannot be the same as any outstanding taxi that is being operated at this time.

Captain Smith added that the business will be located at 609 Clearwater Drive, which is just outside the City limits.

Mayor Pro Tem Joseph Martin made the motion to approve the new taxicab company request. Seconded by Council Member Linwood Mann, the motion carried unanimously.

**CASES FOR PUBLIC HEARING: held jointly with the Planning Board**

**Petition by Donald T. Oldham – to rezone from Office & Institutional Multifamily (O&I-MF) District to General Business (GB) District approximately 6.1 acres of land located at the end of Comfort Lane. – (Exhibit E)**

Planner I Amy Bean advised that the site requested for rezoning consists of a 6.1 acre portion of one approximately 18.3 acre tract of land located at the end of Comfort Lane, a City street which is accessed off North Horner Boulevard/US Highway 421 and serves as the entrance drive for Comfort Inn and Bay Breeze Restaurant. The site is currently wooded and undeveloped and is part of the Buffalo Creek Subdivision, a commercial major subdivision which was approved by the City Council in March 2003. The developer is proposing that the entire tract and all of the land within the subdivision be rezoned to General Business (GB).

There are approximately 236 LF of public street frontage on Comfort Lane. The site has access to City water and City sewer and is not located within the 100-year flood plain or an established watershed district.

Ms. Bean explained that the primary land uses surrounding the site are Carter's Grove, an existing subdivision zoned Residential (R-20) which is located to the west of the site. North of the site is a vacant 28-acre tract zoned General Business. South of the site are two vacant tracts; an 8.3 acre tract within Westlake Valley subdivision, which is zoned Residential (R-20), and an 8.8 acre tract within Boone Heights subdivision which has a dual zoning of Residential (R-20) and Highway Service (HS). East of the site are Comfort Inn and Bay Breeze Restaurant which are zoned General Business (GB).

The current zoning, Office & Institutional/Multi-family (OI-MF), is a transitional district that is intended to accommodate offices, institutions, and commercial activities which do not involve the sale of merchandise, as well as a variety of residential development styles. Non-residential uses permitted by right and subject to the usual development standards within the Zoning Ordinance include banks, beauty and barber shops, and business and professional offices.

The applicant is petitioning to rezone to General Business (GB) District. The purpose of this district is to create and protect business areas for the retailing of merchandise and for carrying on professional and business services. Ms. Bean read the uses permitted by right within the zoning ordinance. The 2020 Land Use Plan Map has identified this property for Commercial Office & Institutional uses. The purpose of this classification is to identify areas which are appropriate for light industrial and commercial uses.

Ms. Bean advised that Buffalo Creek is a proposed seven-lot subdivision to be located along an extension of Comfort Lane. A 210-ft street extension and the addition of a cul-de-sac are planned for Comfort Lane, which is a City street. Council Member Ellis asked if Fire Chief Wayne Barber is in agreement with the entrance. Ms. Bean replied yes, that Chief Barber reviewed the plat prior to approval. Ms. Bean added that the subdivision of property into seven lots creates an eighth lot which encompasses the remainder of the undeveloped property. This undeveloped property accounts for approximately 14.26 acres of the parcel and, at present, will serve as a buffer between the proposed subdivision and the surrounding properties.

Mayor Hester opened the public hearing. No one spoke in favor or in opposition. The public hearing was closed.

Petition by Scott D. McClure – to rezone from Residential (R-12) District to Office & Institutional-Multifamily (O&I-MF) District approximately .60 acre of land located at 317 W. Main Street and approximately 0.24 acre of land located on an adjoining lot at the intersection of W. Main St. and Academy Street. – (Exhibit F)

Planner I Amy Bean advised that the site requested for rezoning consists of two tracts of land comprised of 0.83 acre. The two tracts are utilized as one site, with the smaller tract being used as a side yard and driveway access area. The site is developed with one, single-family dwelling, which has been converted into a multi-family dwelling, and one detached garage. Mr.

McClure has verbally indicated to staff that he intends to create an office on the lower level of the building and to continue renting the residential multi-family dwelling units. However, if rezoned, any of the uses permitted within the proposed zoning district would be allowed.

Ms. Bean added that the parcels, combined, have approximately 106 LF of public street frontage on W. Main Street and 271 LF of road frontage on Academy Street. City water and sewer are available, and the site is not subject to any designated flood hazard area or water supply watershed regulations.

The primary land uses surrounding the site are single-family residential dwellings to the northwest and south and churches or church related uses to the north, southwest, and east. There is a Lee County Public Library east of the site adjoining an overflow parking lot for Jonesboro Heights Baptist Church which is adjacent to the site.

Ms. Bean explained that the current zoning is Residential (R-12) and is intended for a variety of residential uses. The proposed zoning of Office & Institutional/Multi-family (OI-MF) is a transitional district that is intended to accommodate offices, institutions, and commercial activities which do not involve the sale of merchandise, as well as a variety of residential development styles ranging from single-family detached homes to multi-family developments. Non-residential uses permitted by right and subject to the usual development standards include banks, beauty and barber shops, business and professional offices, churches, medical and dental offices, office equipment and supplies, and optical services. Special uses subject to approval by staff and subject to special requirements as noted within the Zoning Ordinance include customary home occupations and day care centers. Conditional uses subject to approval by the Board of Adjustment and subject to special requirements as noted within the Zoning Ordinance include community centers and schools.

The 2020 Land Use Plan Map has identified this property for Mid/High Density Residential Office. The purpose of this classification is to identify areas which are appropriate for medium and high density residential development, including single-family housing, duplexes, and multi-family developments, as well as office development.

Council Member Cornelia Olive asked if this is converted to office use, is there adequate parking. Ms. Bean replied yes, if there is one office within the building he will have enough parking. If Mr. McClure expands the office, it will have to be looked into further.

Mayor Hester opened the public hearing. Scott D. McClure spoke in favor of the petition. He stated that from his perspective, the requested zoning fits in with the uses on Main Street. He felt it would benefit the surrounding neighbors by altering the traffic. Right now there are six tenants in the lower dwelling, and he plans to change it to have one office that he will use for himself, as he is a lawyer and accountant. He plans to modify the landscaping to increase the parking although it is currently adequate to meet the need.

Council Member Martin asked how many units he was planning on renting upstairs. Mr. McClure responded that there are currently four units on the property; and he will be using the lower level for himself. Mr. McClure stated that there are two apartments upstairs, and the

fourth one is in a detached building. Mayor Pro Tem Martin added that some citizens have property rezoned and they may sell it later and then something else goes in that location that the surrounding community is affected by. Mr. Martin stated that once it is zoned multi-family then it is opened up to be a possible boarding house.

No one spoke in opposition. The public hearing was closed.

Petition by Centdev Properties, LLC – to rezone from Residential (RA-20) District, Residential (R-20) District, and General Business (GB) District to a conditional zoning district to be known as the Sanford Marketplace District. As proposed, the Sanford Marketplace conditional zoning district will primarily include general business and retail uses. The petition includes approximately 80 acres of land located along Ashby Road, at the intersection of U. S. 421 and N.C. 87. – (Exhibit G)

Assistant Community Development Director Marshall Downey explained that this is the City's first conditional zoning application. It would include nine property owners, and consists of approximately 80 acres. The location of the site is along Ashby Road at the intersection of U. S. 421 and N.C. 87. The adjacent zoning is Residential (R-20) and Light Industrial (LI) to the north; General Business to the south; Manufactured Home (MH) and Residential (R-20) to the east; and Shopping Center (SC) to the west.

Mr. Downey stated that the property to be rezoned includes a substantial amount of undeveloped farmland, a few single-family dwellings and a former auto salvage business. The purpose of the conditional zoning is to assemble and redevelop the property for a very large mixed-use commercial development to include primarily retail and other general commercial uses. Under the conditional zoning approach, the petitioner has submitted a site-specific development plan and a detailed narrative to describe the conditions and uses as proposed for the request. The petitioner is proposing to create a "Sanford Marketplace District" or "SMD." It would not mirror any of Sanford's existing districts other than the fact it would have a substantial amount of retail. The SMD, as proposed, would include approximately 500,000 square feet of retail space within the larger tract (known as the Phase I Property), with another 11.86 acres available for Outparcel development, and another sixteen (16) acres available for future development in the rear tract (known as the Phase II Property). The Phase II tract is envisioned as containing uses that will be complementary to the retail uses such as offices, flex space, mini-storage, or other similar commercial uses.

Mr. Downey advised that the Outparcels, as proposed, would be compatible with the central portion of the tract. Staff has worked closely with the developer in terms of making sure that access easements and other items would be necessary to complement Phase I, Phase II, and Outparcels, to allow for interconnectivity and access for all the parcels, are available. The petition includes a draft of the Declaration of Easements and Restrictions, which would cover mutual easements existing between all the different phases for the access, utilities, stormwater management and includes maintenance of common area improvements, as well as development design standards and restrictions.

Mr. Downey advised that the petitioner used the City of Sanford/Lee County/Town of Broadway's draft Unified Development Ordinance (UDO) as a guide in preparing the conditional zoning district. It focused on the draft C-2 District which is similar to the City's current business district as well as the standards for shopping centers. Mr. Downey referred to the list Council received that states the principal uses permitted within the zoning district. In addition to the principal uses, the applicant recognizes the use of temporary sidewalk vendors. The petitioner is asking for ability to allow for outside retail and food vendors in the same manner as set forth in the draft Unified Development Ordinance. The petitioner wants to create a town/village concept.

Mr. Downey addressed the design standards for the Sanford Marketplace District. The site proposes to establish a perimeter setback of 75 feet with interior setbacks of between 15 feet for the Outparcel lots and 25 feet for the larger Phase I and Phase II tracts. There is no maximum building height proposed, and it mirrors what is proposed in the UDO. The Phase I tract is designed to meet the UDO minimum of one parking space per every 225 square feet of retail area. Phase II parking and Outparcel parking will be determined as each specific use is developed. The SMD will conform to the landscaping and buffer standards as set forth in the draft UDO, which calls for the incorporation of four planting yards as each tract or parcel is developed.

Mr. Downey explained that signage is where the proposal deviates the most from the UDO. The only Pylon signs or signs that would be elevated above ground mounted signs are in the Phase I Tract, which is the larger dominant central portion where most of the retail development is going to occur. They are proposing to allow three signs, one for every eight hundred feet of frontage. It would be a double-sided sign with a maximum of 350 square feet in area and 50 feet in height. Mr. Downey reiterated that this request deviates substantially from the draft UDO as well as the current sign ordinance; both of which allow a maximum of 200 square feet in area and 40 feet in height. For clarification, the term frontage refers to public street frontage and/or private access roads. Essentially, where there are public streets and primary access roads, they are requesting wall signage be allowed on all those frontages. For example, on one of the corner lots of the Outparcels, they could have three wall signs. The Phase II property and the Outparcels shall be permitted monument signage in accordance with the following: (1) The Phase II (rear) property shall be allowed one monument sign in an easement area along the Highway 421 frontage. The monument sign shall be a maximum height of six feet and maximum area of 40 square feet. These signs would be identification signage that would be allowed along the frontage to advertise the businesses that may be located in the rear Phase II area in addition to the Pylon signs; (2) The developer is requesting that each outparcel tract be allowed to have a monument sign per frontage with a maximum of two per outparcel. Other standards include regional or national business operations (operating more than 20 stores under a common name) shall be permitted to use their corporate logos and colors subject to meeting the dimensional criteria as described above. Other businesses shall be limited to a maximum of five standard SMD colors for their signs. The petitioners indicated to staff that these five colors are yet to be determined. This request deviates substantially from the current zoning ordinance and the draft UDO allowance of a maximum of three colors, plus black and white. The petitioner is requesting a maximum of five colors, plus the colors in the corporate logos or business operations in addition.

Mr. Downey stated that the SMD will be served with public water and sewer, and will include permanent stormwater retention facilities. The developer/petitioners' consultant engineers are working with the City Public Works Department to finalize designs for implementing these facilities.

The 80-acre site has substantial frontage along the US Highway 421 and Ashby Road. As part of the SMD proposal, the petitioners are working closely with NCDOT officials to design acceptable access points to the large project. There are two primary points of access proposed with multiple points of entry and exit at each driveway. In addition, the NCDOT has expressed in the Technical Review Committee meetings that there is a desire on their part to extend a public street or through road through the entire project to serve some properties at the rear. At this point, additional consideration was also given because of the fact that Ashby Road currently serves the existing Pine Village Mobile Home Park along the east side. The petitioner has indicated to staff that the alignment and design for access as submitted in the conditional zoning request has been submitted to the NCDOT for formal review and approval. The NCDOT review is a 120-day process, and it has not been completed. The petitioner/developer is aware of this, and they understand that they are bringing this request to Council under the assumption that this alignment will be accepted by the NCDOT. The petitioner/developer is fully aware that if the NCDOT does not accept this design, they will have to come back to Council with a modification or revision for reapproval.

The site is not located within a designated flood hazard area or an established watershed.

Mr. Downey reminded Council that this is a conditional rezoning request. The subject property is not subject to any of the City's current zoning ordinance standards unless specifically requested and/or included in the petition. This is a stand-alone district, as proposed, which would be governed by the conditions as described in the staff report. More importantly, if Council approves this conditional zoning district, an ordinance would be created that would detail the conditions that have been described to Council tonight and this document would govern the district. As a conditional zoning request, Council and/or the Planning Board may request the petitioner that certain conditions be considered; however, the petitioner must accept the conditions before inclusion in the zoning district.

Council Member McNeil asked Mr. Downey if he foresees any conflict with the sign ordinance being in the UDO and the sign ordinance proposed for this district. Mr. Downey replied that the only controversy he sees is the concern for setting a precedent. However, given the scale of the project, that is something that may weigh into Council's decision as to whether they feel it is appropriate to grant something larger than you would under traditional development. Council Member Ellis asked if the State Environmental agency had been contacted about any environmental issues for the salvage yard which is on part of the property. Mr. Downey replied that he is not aware of any but the petitioner may be able to answer that question. Council Member Cornelia Olive asked if the property has been purchased. Mr. Downey replied that it is his understanding that it is under option. Mr. Downey answered questions by Council Members concerning the proposed signage. Council Member Mann stated

that he is concerned about safety issues with the Pylon signs, and the minimum clearance beneath the sign should be addressed.

Mayor Hester opened the public hearing. Jeff Wakeman, a managing partner for Centdev Properties, LLC and the developer for this project, spoke in favor of the project. He advised that they started investigating the properties and contacting potential tenants a year ago for the proposed Sanford Marketplace District. They found there is a demand for retail stores in this area, and there are a number of large national retailers that would like to be located in this area. As part of the investigation, they looked at the road situation and have had a number of meetings with the NCDOT and also learned of the plan to relocate Highway 421 and to construct the new 421 Bypass. From the investigations, they came to the conclusion that it needed to be a larger project than was originally proposed. They feel it would be a gateway into Sanford on the east side of town. When the bypass is constructed, it will alter the traffic pattern on that side of town as well as be a catalyst for tremendous economic development.

Jeff Wakeman stated that after working with the economic development staff and planning department, they tried to address what could become a marketplace village center concept for the City of Sanford. The overriding consideration they tried to make was that the plan would be both inwardly focused as well as visible from the street. They wanted to develop a project that would encourage and have enhancements that would allow for pedestrian traffic to occur. This would entail the design of boulevards into the project as well as a road that would run down the front of the project separating the Outparcels from the main shopping areas. They tried to construct them in a scale that would still be comfortable for people to walk in those areas and tie it into the back area that is across the main shopping center itself to provide for amenities in that area that would encourage people not only to shop, but to give them more places to rest, have focal points such as water fountains, and also to have outside vendors to service these individuals.

Mr. Wakeman continued stating that they plan to develop around 450,000 square feet of retail in the main shopping center. This would generate in the vicinity of 250 jobs; it should generate \$60 to \$70 million of retail sales per year. The tax value of the development would be about \$30 to \$35 million. It is a substantial investment and will be a real benefit to the community.

Mr. Wakeman stated that they propose to remove Ashby Road, and it would be back of the Outparcels. At the same time, recognizing the 421 Bypass is coming down to the east side of the property, NCDOT has voiced very strenuously that they do not want to have a large number of access points on the bypass or U. S. Highway 421. The NCDOT stated that the access point they have proposed on the east side of the property on 421 is the only one they ever expect to allow between the bypass exit ramp and the properties that run to the west of the bypass. At that point, Centdev focused on how to provide access into the properties that are adjacent to the eastern side as well as behind it. Centdev has proposed to extend the driveway on the eastern side and dedicate it as a right-of-way so that it can go back into the adjacent property. The NCDOT's concept is that there is going to be another road brought in down from Highway 42, and that at some point, that would form the connection into those properties that are bounded by the bypass, Highway 42 and Highway 421. They have tried to address the issues

with the NCDOT. The reason that they have brought this issue to Council at this time without a decision from the NCDOT is because they believe that they would like to be proactive in trying to propose something to the NCDOT that Centdev feels is in the best interest of them and also the City of Sanford. Centdev would like to see that the road improvements are going to serve the needs for the City in the foreseeable future. The frontage road they have designed to go behind the Outparcels would become a private road, and Centdev's responsibility for the roads from that point forward would be those on the internal areas of their property. Regarding the area in front of the Outparcels where Ashby Road exists today, there is a substantial amount of right-of-way on 421, and this is an area Centdev would like to have an encroachment agreement whereby they can improve the aesthetic appearance of that area in front of the center. Centdev would like to see it landscaped very heavily and make sure it represents what the City of Sanford would like to see for people when they first arrive into the City.

Mr. Wakeman addressed the signage. The scale of the project is such that it is about 100 to 150 feet from the edge of the pavement on Highway 421 to their property line. This is the setback the signs would have to be located in. The question of the visibility around the sign would certainly be impacted within the development itself, but the signs will not be in an area that is within the site triangles of accessing Highway 421.

Centdev has purchased one parcel at this location and they have options on some of the other properties. It is Centdev's plan to start grading by the first of the year 2005 and have their first vertical building structures going up by May 2005.

Council Member McNeil stated that he felt it is a great project for Sanford, but his concern is for the existing businesses now. He asked Mr. Wakeman if there was some way they could work within the UDO for signs because this would set a precedent. Mr. Wakeman stated that they wanted to appear before Council with no variances from the proposed UDO. However, the difficulty or constraint they are dealing with is the large setback from the main road, and one of the issues is the main stores of the shopping centers are 800 feet back from Highway 421. It is a significant distance from the road. The primary identification that the public is going to have to know that those specific stores are located there is going to be these Pylon signs. Centdev has allowed for three to four panels which are three feet by sixteen feet. They are not really large panels; a three-foot panel at 30 feet in the air is not too intrusive. It has to be a size that someone traveling at 45 to 55 MPH can see and be able to make a turn if that is what they are specifically looking for when they are coming down the road. This is how they came up with the size of the sign. It is larger than what the UDO proposes today, but there are mitigating factors that are not going to be present in most situations.

Mayor Hester asked if the height of the Outparcels prevents people from being able to see the signs of those businesses located in the main shopping center. Mr. Wakeman replied that they have not designed a perspective yet to see what the view lines would be from a car traveling on Highway 421 and looking in. The heights of the buildings are going to be restrictive on the Outparcels to no higher than 25 feet in elevation. It is their expectations that the buildings in the rear of the parcels will be anywhere between 30 feet to 45 feet in height. The largest frontage building is 150 feet which gives them a 350 square foot sign, and that sign would be approximately 10 feet by 30 feet. From 1000 feet back, it is not going to appear to be a large

sign. It is not their intention to have people trying to read the signs on the buildings from the highway.

Bob Lauer from ADW Architects spoke in favor of the petition. He stated that in addressing the styling of the buildings, they wanted to capture the village-type feel that Mr. Wakeman spoke of. They want to encourage pedestrian traffic and have incorporated a lot of amenities into the project. There is a traffic circle that separates two of the largest masses of buildings. The traffic circle will help to slow down the cars in a sense and create a feature with a water fountain in the middle of it. There will be extra wide sidewalk areas around the traffic circle with a lot of the areas for seating, where you can buy ice cream and sit and enjoy watching people walk by. There is an area behind the traffic circle extending back towards the north for future development that could also easily be closed off for community events, holiday celebrations, arts and crafts, and exhibits. Regarding the architecture itself, they wanted to capture some traditional elements in the architecture with the use of masonry. The colors they are encouraging are brick tones, earth tones, reds, and nice neutral colors.

Council Member Olive asked Mr. Lauer if their company has developed other shopping villages and where they are located. He replied yes; they are located in Charlotte, Statesville, California, Arizona, and the Atlanta area.

No one spoke in opposition.

Council Member Mann asked Mr. Lauer if they have any plans to provide security. Mr. Lauer replied they will offer a shopping center manager located on the property; however, they have not discussed having someone patrolling the area.

The public hearing was closed.

Petition from Chastity Gautier – to amend the City of Sanford Code of Ordinances, Chapter 42 Zoning Ordinance, Article VII, Signs, Section 42-319 (2)(c) *Sign criteria for Schools* to include day care centers and churches. – (Exhibit H)

Assistant Community Development Director Marshall Downey advised that petitioner, Chastity Gautier, is requesting a text amendment to amend the signage for day care centers in residential districts. She approached staff a few months ago regarding her desire to open a day care center on the site of a former church property located at the corner of Franklin Drive and Wicker Street. Staff discovered that the property was located within a residential zoning district and the current ordinance does not allow for signage for day care centers. Staff looked at a couple of different options and in discussing the issue, Ms. Gautier decided to apply for an amendment to the ordinance to allow for the signage in the residential area for the daycare. In the current ordinance two key points are that they are allowed to have ground signage not to exceed 6 feet in height and no more than 40 square feet in size for ground mounted signs, and they are allowed to have wall signage to the equivalent rate of one square foot of signage for each one linear foot of wall length for which the sign is to be placed, not to exceed 80 square feet.

The ordinance also allows similar type signage for churches. Ms. Gautier is petitioning to allow day care centers to have the same type of signage as the schools and churches. Staff looked at the draft UDO to compare it to this proposal. The UDO does not allow day care centers by right in residential districts. It would allow it only as a Special Use Permit. It would have to go to the Board of Adjustment through a public hearing. In terms of signage, if a day care were approved in a residential district, the UDO would provide for it to have 16 square foot of signage in terms of a ground mounted sign and also 16 square feet of wall sign. Mr. Downey stated that he has spoken with the petitioner. Ms. Gautier is aware of the concerns expressed at the Law and Finance Committee meeting and also aware of what the UDO is proposing. Ms. Gautier is willing to accept the 16 square foot wall signage and the 16 square foot of ground signage.

Ms. Chastity Gautier spoke in favor of the petition. She stated that she is comfortable with the 16 square foot of signage on the property. She would like to have something to identify the business on the property.

L. D. Kitts spoke in favor of the petition. He stated that advertising is very expensive for small businesses, and they should have a sign to identify their establishments.

No one spoke in opposition. The public hearing was closed.

The Planning Board retired to the West End Conference Room.

### **REGULAR AGENDA**

#### **Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2004-2005 – (Exhibit I)**

Budget Director Barbara Cox explained that an appropriation of \$2,500 is requested from the Utility Fund to budget the additional cost for an enhanced plotter. The plotter will be more efficient, and the City can qualify for a \$2,500 rebate, so the cost is actually the same. The old plotter will have to be traded in to qualify for the rebate.

Council Member James Williams made the motion to approve the Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2004-2005. Seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

#### **Consider Appointment to Fill an Unexpired Term on the Historic Preservation Commission/Appearance Commission – Term to Expire June 30, 2006 – (Exhibit J)**

Council Member Cornelia Olive made the motion to appoint Liz Daniel to fill the unexpired term on the Historic Preservation Commission/Appearance Commission by acclamation. Seconded by Council Member Phil Dusenbury, the motion carried unanimously. The term will expire on June 30, 2006.

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

**OTHER BUSINESS**

Council Member Olive asked about the status of the development by Donnie Simpson on Wilkins Drive near the intersection of Old Carbonton Road. Mr. Bridwell replied that they have their building permit and the apartments should be started soon. She also asked about a sign on Horner Boulevard that is fenced in that has Sanford written in script on it. Grass is overgrown around the sign and the area needs improvements. The sign is located on CP& L property. Mr. Bridwell will investigate the request.

City Manager Leonard Barefoot explained that since National Night Out is Tuesday night, August 3, the meeting will be held at 1:00 P.M on that day instead of 7:00 P.M.

Public Works Administrator Laura Spivey announced that the City has received a \$500,000 grant from the North Carolina Commerce Finance Center for the Wyeth project.

**ADJOURNMENT**

With no further business to come before the council, the meeting was adjourned on motion of Council Member Linwood Mann; seconded by Council Member Cornelia Olive, the motion carried unanimously.

Respectfully submitted,

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WINSTON C. HESTER, MAYOR

ATTEST:

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BONNIE D. WHITE, CITY CLERK