



Vision Statement:

As the Town of Aberdeen grows, we will retain our unique history and character and provide the services and amenities to continuously enhance the quality of life for our citizens.

Agenda
Work Session
Aberdeen Town Board

September 14, 2015
Monday, 6:00 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

1. Continuation of Public Hearing for Conditional Use Permit #15-03 submitted by Bethesda Ives, LLC.
2. Consider action on Conditional Use Permit #15-03 submitted by Bethesda Ives, LLC.
Consider action at Work Session
3. Special Event Permit Request submitted by Aberdeen Elementary School.
Consider action at Work Session
4. UDO Text Amendments. **Scheduled for Public Hearing on 9/28/15**
 - a. UDO Text Amendment #15-03 Regarding Administrative Mechanisms.
 - b. UDO Text Amendment #15-07 Regarding Appeals.
 - c. UDO Text Amendment #15-05 Regarding Hearing Procedures.
 - d. UDO Text Amendment #15-06 Regarding Permits and Plats.
 - e. UDO Text Amendment #15-12 Regarding Variances.
 - f. UDO Text Amendment #15-09 Regarding Permissible Uses.
 - g. UDO Text Amendment #15-10 Regarding Special Exceptions.
5. Proposed Amendments to the Planning Department Fee Schedule.
Consider action at Work Session

6. Consideration of Applicants for Planning Board Appointment.
Consider action at Work Session
7. Resolution of Support for Moore County Comprehensive Transportation Plan.
Consider action at Work Session
8. Resolution to Accept Renewed Surety Bonds to Guarantee Infrastructure at Legacy Lakes. **Consider action at Work Session**
9. Resolution to Accept a Letter of Credit to Guarantee Installation of Sidewalks for Phase 1 of the Meadow Ridge Subdivision. **Consider action at Work Session**
10. Strategic Transportation Investments – Aberdeen Pedestrian Projects.
Information Only
11. Other Business.
12. Closed Session pursuant to N.C.G.S. 143-318.11(a)(3) to discuss a matter within the attorney-client privilege.
13. Adjournment.

SPECIAL ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES OR IMPAIRMENTS WILL BE MADE UPON REQUEST TO THE EXTENT THAT REASONABLE NOTICE IS GIVEN TO THE TOWN OF ABERDEEN.



TOWN OF ABERDEEN AGENDA ITEM ACTION REQUEST FORM

This form must be completed and attached to all supporting documentation for items to be included on the Town of Aberdeen Board agenda. One (1) form per agenda item.

Submitted By: P Graham **Department:** Planning

Contact Phone # 4517 **Date Submitted:** 9/2/15

Agenda Item Title: Continuation of Public Hearing for Conditional Use Permit CU #15-03 Submitted by Bethesda Ives, LLC

Date of Board Meeting to hear this item: 9/14/2015

Board Action Requested:	
New Business <input checked="" type="checkbox"/>	Information Only <input type="checkbox"/>
Old Business <input type="checkbox"/>	For Action at Future Meeting <input type="checkbox"/> Date _____
Public Hearing <input checked="" type="checkbox"/>	Informal Discussion & Public Comment <input type="checkbox"/>
Other Business <input type="checkbox"/>	Consent Agenda <input type="checkbox"/>

Summary of Information:

Special requests (i.e. Needs to be first on the agenda due to schedule of guest, etc.):



Town of Aberdeen Planning & Inspections Department

115 N. Poplar Street PO Box 785

Aberdeen, NC 28315

(910) 944-7024

MEMORANDUM TO THE BOARD OF COMMISSIONERS – September 14, 2015 – Public Hearing

New information is shown in bold type

Applicant:

Bethesda Ives, LLC

Request:

Conditional Use
Permit CU #15-03
for a 38 Lot
Residential
Subdivision

Location:

West of Bethesda
Road near Bethesda
Presbyterian Church

Parcel ID:

00054112

Zoning:

R20-16

Existing Use:

Vacant

Proposed Use:

Major Subdivision

Prepared by:

Pamela Graham,
Planning Director

Description of Conditional Use Permit Request

Bethesda Ives, LLC requests a conditional use permit (CUP) for a 38 lot residential subdivision on a vacant tract comprising a total of 51.46 acres. The property is accessed from Bethesda Road just north and across from the historic church structure. The applicant seeks approval of the use, open space, and number of lots subject to final engineering through the Site Plan Review process. Additional construction detail will be provided at that time for staff review. **A public hearing was held on the item on June 22, 2015 and continued until the next regular meeting (August 10, 2015). Prior to the 8/10 meeting, staff accepted data from citizens that was believed to warrant further review and the public hearing was continued until August 24, 2015, however, the applicant requested a delay until the September Work Session so that their engineer could attend the public hearing. The department's consulting engineer, Mr. Gary McCabe with Red Line Engineering has provided a written review of the data with supporting documents. The review is enclosed with this memo.**

In addition to Mr. McCabe's report, new information has also been received by heirs to the property to the south of the proposed development. These items, enclosed for reference, are as follows:

- 1. A written document indicating that the heirs have provided a "Right of First Refusal" to the Bethesda Cemetery Association for their property adjoining the subject property;**
- 2. A written statement signed by the heirs reiterating their commitment to the Bethesda Cemetery Association for right of first refusal, and clarifying that they have no plans to sell the property in the near future.**

Procedural Issues

§152-146 Table of Permissible Uses of the Town of Aberdeen Unified Development Ordinance (UDO) requires that all major subdivisions receive approval by the Town Board, and a recommendation by the Planning Board, for a conditional use permit.

A recommendation is within the authorized jurisdiction of the Town Board.

The UDO directs in §152-54 that the Planning Board shall make a recommendation for issuance of a conditional use permit unless it concludes, based upon the information submitted, that:

1. The requested permit is not within its jurisdiction according to the Table of Permissible Uses, or
2. The application is incomplete, or
3. If completed as proposed in the application, the development will not comply with one or more requirements of this chapter. (The "chapter" in this context is the UDO).

Furthermore, as directed by §152-54(D), even if the Board finds that the application complies with all other provisions of this chapter, it may still deny the permit if it concludes, based upon the information submitted, that if completed as proposed, the development, more probably than not,

1. Will materially endanger the public health or safety, or
2. Will substantially injure the value of adjoining or abutting property, or
3. Will not be in harmony with the area in which it is to be located, or
4. Will not be in general conformity with the land-use plan, thoroughfare plan, or other plan specifically adopted by the Town Board.

Following a recommendation by the Planning Board to the Town Board for approval or denial of an application, the item will be scheduled for a public hearing where public input can be accepted by the Town Board in advance of a final decision. The Town Board acts in a quasi-judicial capacity when considering a conditional use permit application and shall consider the recommendations of the Planning Board and staff in their decision. Though they are not bound by those recommendations, they are required to use the same criteria in formulating their decision as is used by the Planning Board in their recommendation.

In considering whether to approve an application for a conditional use permit, the Town Board shall proceed according to the following format:

1. A simple majority vote is required to approve any motion related to the issuance of a conditional use permit.
2. The Town Board shall consider whether the application is complete. If the Town Board concludes that the application is incomplete and the applicant refuses to provide the necessary information, the application shall be denied. A motion to this effect shall specify either the particular type of information lacking or the particular requirement with respect to which the application is incomplete. If a motion to this effect is not approved, this shall be taken as an affirmative finding by the board that the application is complete. *Staff has deemed the application to be complete.*
3. The Town Board shall consider whether the application complies with all of the applicable requirements of the UDO. If a motion to this effect passes, the Town Board need not make further findings concerning such requirements. If a motion fails or is not made then a motion shall be made that the application be found not in compliance with one or more of the requirements of the UDO. Such a motion shall specify the particular requirements the application fails to meet. Separate votes may be taken with respect to each requirement not met by the application. It shall be conclusively presumed that the application complies with all requirements not found by the Town Board to be unsatisfied through this process.

4. If the Town Board concludes that the application fails to comply with one or more requirements of the UDO, the application shall be denied. If the Town Board concludes that all such requirements are met, it shall issue the permit unless it adopts a motion to deny the application for one or more of the reasons set forth in subsection 152-54(D). Such a motion shall propose specific findings, based upon the evidence submitted, justifying such a conclusion. (*§152-54(D) may be found in the second full paragraph of page 2*)

Subsequent to an approved CUP, the applicant will be required to submit fully engineered construction documents for inter-departmental review to insure that the development has met all Federal, State and local regulations and permitting requirements, as well as any conditions attached to the CUP approval. No permits authorizing development shall be issued until compliance with all applicable regulations and conditions has been demonstrated.

Zoning (Exhibit attached)

The property is located north/northwest of the intersection of Bethesda Road and Bethesda Avenue in the R20-16 zoning district. The R20-16 District was established for the principal use of land for low-density resident agricultural purposes. The regulations of this district are intended to protect the agricultural sections of the community from an influx of uses that would likely render them undesirable for farms and future development. The attached Vicinity Zoning map shows the parcel abuts R20-16 zoning to the north, south, and east, R10-10 zoning to the west, and I-H (Heavy Industrial) zoning for approximately 860 feet of the southern boundary near the western corner. The I-H property is owned by Aberdeen & Rockfish Railroad. Other districts represented in the general vicinity include R30-18 (Alexander and Barnell Streets) and R6-10 to the west beyond the rail line (between Sycamore Street and US 1).

Open Space

Required open space is proposed in excess of the 20% requirement due to the existence of +/- 27.51 acres of wetlands contained within the parcel, limiting buildable area. An existing sewer line crosses the property at several points within the delineated wetlands. The UDO requires that the open space be "usable" in that it:

1. Is not encumbered with any substantial structure;
2. Is not devoted to use as a roadway, parking area, or sidewalk;
3. Is not part of a roadway median;
4. Is not part of any privately owned lot that is used or intended for use for residential purposes;
5. Is legally and practicably accessible to the general public or to the residents of the development where the open space is located; and
6. Does not consist of multiple small, noncontiguous pieces of land which are, as a practical matter, inaccessible to all or most of the residents of the development.

The UDO further provides that water bodies, such as ponds or lakes, and wetland areas associated with recreational trail systems may also be counted toward open space requirements, as long as they satisfy the following:

1. Are at least fifty (50) feet in width and function or will function as a substantial visual buffer; and
2. Are configured or improved (e.g. through the installation of trails) in such a way as to be conducive to actual use for pedestrian connections to community facilities and for recreational purposes (i.e. walking or jogging) by the residents of the development where the land is located.

The choice as to the areas to be set aside as usable open space shall remain with the developer, provided that all UDO provisions are met.

*Article XIII, §152-198 requires that a minimum of 20% of usable open space be provided for Single Family Residential developments. The total land area of the proposed project is 51.46 acres; conceptual plans indicate that approximately 27.51 acres, or 53.8%, is being offered. The minimum 20% requirement could be met with 10.3 acres if more buildable acreage was present. The applicant proposes to construct an 8' wide natural walking trail along the sewer easement to meet the usability requirement for open space. Utilization of the easement will reduce the need for vegetation removal to install the trail. **Continued maintenance of the open space, including the walking trail, shall be the responsibility of the developer, through establishment of a Homeowners' Association.***

The open space proposal is in compliance with the UDO.

Landform and General Site Layout (Exhibit attached)

The property is vacant and heavily wooded with the exception of the sewer easement and an unnamed stream that loosely follows much of the western property boundary. The stream is likely intermittent and reaches an identified floodplain just offsite near the railroad line. The topography is relatively gentle and sloping to the west towards the stream and floodplain with the steepest slopes occurring on lots to the north of Proposed Road "C" and the five lots proposed for the end of EL Ives Drive. The wetlands in the area would be expected to perform an important function in reducing flooding to the lower-lying areas both on site and beyond, as well as providing wildlife habitat. One wetland crossing is proposed with Road "A" with an expected impact area of 4,064 square feet. The vast majority of the wetlands are included in the open space calculation, however, seventeen (17) lots have wetlands within their boundaries with nine (9) of these incorporating wetlands into the building envelope. The sketch plan indicates a typical building footprint on the three lots that have the greatest amount of wetlands within the building envelope (lots 27, 37 and 38) as well as two lots with atypical configurations that limit buildable area (lots 18 and 20) to show the buildability of those lots. **Buildability in this instance refers strictly to the lot's ability to meet the dimensional standards required for the district.**

UDO Article XVI, Part 2, states in part:

- §152-261 To the extent practicable, all development shall conform to the natural contours of the land, and natural and preexisting man-made drainage ways shall remain undisturbed;

The proposed streets follow existing rights-of-way and/or align themselves with existing slopes to the

extent practicable. The existing drainageway/stream will remain undisturbed by the proposed sketch plan. Staff recommends that rear lot lines that encroach into the wetlands be altered to coincide with the wetland boundary when doing so would not make the lot unbuildable (lots 1, 6, 29, 30, 31, 32, 33, 34, 35, and 36 can likely achieve this with some adjustments to side lot lines and lot size). Also recommended is that setback lines on lots 5, 17, 27, 28, 37, and 38 be adjusted to coincide with the wetland boundary. This recommendation has been included in the list of recommended conditions as condition #9.

- §152-263 All developments shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such developments;

Development activities are anticipated to be confined to the higher elevations on the property which are heavily buffered by wetlands at lower elevations. Curb and gutter is not proposed. Vegetated swales within the rights-of-way are recommended in keeping with a low impact development design and to provide the opportunity for point source absorption of stormwater and less impact to the lower lying areas.

- UDO Article XIV, §152-215 states: Streets shall be related appropriately to the topography of the area. In particular, streets shall be designed to facilitate the drainage and storm water runoff objectives set forth in Article XVI ... and the street grades shall conform as closely as practicable to the original topography. This concept is reiterated in §152-218 (A): Subcollector, local, and minor residential streets shall be curved whenever practicable to the extent necessary to avoid conformity of lot appearance.

The proposed streets follow existing rights-of-way and/or align themselves with existing slopes to the extent practicable. The street layout does exhibit some curvature where existing rights-of-way are not dictating form. Proposed Road "A" in particular takes measures to run at cross-slope to the natural contours and make crossing of the wetland at a location that has the best opportunity to lessen impacts.

Notes and graphic representation provided on the conceptual plan indicate compliance with the dimensional standards for the R20-16 District, as specified below. Staff will confirm compliance with minimum dwelling unit and building height requirements prior to the issuance of zoning permits for each lot.

Zoning District	Min. Lot Area (in square ft. or acres)	Min. Area per D.U. (in square ft.)	Min. Lot Width (in feet)	Min. Front Yard Setback (in feet)	Min. Side Yard Setback (in feet)	Min. Rear Yard Setback (in feet)	Maximum Bldg. Height (in feet)
R20-16	20,000	1,600	100	35	15	30	35

Transportation

The project proposes a single access point from Bethesda Road. Approximately 350 vehicle trips per day would be anticipated from the development, well below the 600 trip Town of Aberdeen requirement for a

traffic impact analysis as dictated by §152-163.21 of the UDO. The proposed access from Bethesda Road will require DOT approval.

Staff has determined that a Traffic Impact Analysis will not be required by the UDO for the project.

Three new streets are proposed for the project as well as two stub-outs and an approximately 200' extension of EL Ives Drive culminating in a new cul-de-sac as required by the UDO. The primary road is identified on the sketch plan as Proposed Road "A" which utilizes an unopened right-of-way from Bethesda Road with a length of approximately 460 feet. Beyond that point, Road "A" will continue into the development, ending in a cul-de-sac on an interior piece of higher ground to access eleven lots. Sidewalks are proposed for both sides of Road "A" for the portions that are fronted by lots for the development on both sides of the road. Road "A" is proposed to include a single sidewalk for the portion that connects lots 17 and 38 (fronted by wetlands on both sides), the portion that connects lots 6 and 12 which fronts wetlands on one side, and the first 432 feet as measured from Bethesda Road. Existing platted lots on the north side of that portion are not owned by the applicant. The total length of Road "A" from the closest connection with an acceptable turnaround (Road/Stubout "D") is 899 feet.

The applicant has requested relief from the requirement that sidewalks be installed on both sides of all roads in the development, as stated on the plan "in an effort to be low impact and to help with meeting the green growth criteria that in certain areas sidewalk would only be installed on one side of the street with proposed lots and that in areas without houses abutting the road sidewalk wouldn't be installed. Areas that developer requests sidewalk not be installed between lots 17-38 (approximately 940 lf); lots 6-12 (approximately 750 lf)". The UDO provides for some flexibility to the Board's decisions on conditional and special use permits in §152-60(B), which states: "The permit-issuing board may not attach additional conditions that modify or alter the specific requirements set forth in this chapter unless the development in question presents extraordinary circumstances that justify the variation from the specified requirements." The extensive presence of wetlands on the site does present extraordinary circumstances, and the request for sidewalk relief is limited to areas where the road abuts wetlands and no building lots are located, as well as along properties that are outside of the development boundary.

Additionally, §152-217(F) allows for the permit-issuing authority to permit walkways constructed with materials other than concrete when it concludes that:

- (1) Such walkways would serve the residents of the development as adequately as concrete sidewalks; and*
- (2) Such walkways would be more environmentally desirable or more in keeping with the overall design of the development.*

Due to the existence of wetlands along the routes proposed for a reduction in the sidewalk requirement, the Board may authorize walkways of a design suitable for environmentally sensitive areas to reduce impervious surfaces and the resulting stormwater-driven pollutants that may impact the wetlands. Staff recommends that only those areas of roadway that are adjacent to wetlands be considered for a reduction in the requirement. The Planning Board, during their deliberations at their 5/21/15 meeting, recommended a revision to the conditions that would allow for partial relief from the sidewalk requirement but also required that the applicant create an additional section in the proposed natural walkway system to make a connection in the

area to the north of proposed Road "A". This connection is reflected in the attached "Pedestrian Plan" with a revision date of 5/29/15.

Proposed Road "B" also utilizes a portion of an unopened right-of-way and will connect Road "A" with Road "C" and an improved section of Dunoon Street. Road "B" will be a connector road of approximately 400 feet in length. A sidewalk is proposed for the western side of the road, adjacent to the boundary of the development.

Proposed Road "C" will provide a connection from Road "B" to Dunoon Street and continue for approximately 650 feet, culminating in a cul-de-sac. Road "C" provides access to six lots in the proposal and is shown to have sidewalks on both sides of the street.

Proposed Road "D" is a stubout for potential future connection to undeveloped property to the south that is outside of the proposed project area. The inclusion of stubout roads are addressed in §152-214(A) and (D) of the UDO:

"The street system of a subdivision shall be coordinated with existing, proposed, and anticipated streets outside the subdivision or outside the portion of a single tract that is being divided into lots as provided in this section ... Whenever connections to anticipated or proposed surrounding streets are required by this section, the street right-of-way shall be extended and the street developed to the property line of the subdivided property (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected. In addition, the permit-issuing authority may require temporary turnarounds to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles."

Though the inclusion of stubout roads in a subdivision design is addressed in the UDO, the permit-issuing authority (Town Board) must determine if the proposal meets the intent of the specific language. In particular, as stated in the paragraph above (reference to §152-214), the purpose of a stubout road is to provide coordination with existing, proposed, and anticipated streets outside of the subdivision. Subsequent to the last public hearing date on this item, staff received two documents from heirs to the Margaret Troutman property that would potentially be accessed by the proposed stubout road. It should be noted that if the Board determines that the stubout road does not meet the intent of the relevant UDO language, the Proposed Road "A" cul-de-sac will exceed the 900 foot maximum allowed, as measured from the next nearest connecting road ("Unopened R/W Road B"). The documents include:

- 1. A signed Right of First Refusal offered to the Bethesda Cemetery Association. This document gives the Cemetery Association the right to be the first party allowed to purchase the property if and when it is offered for sale. It does not guarantee the transaction; the Cemetery Association would have the right to decline, at which point the property could be offered or marketed to others.**
- 2. A signed document that states: *This statement is intended to clarify our position concerning the proposed stub road planned for the Bethesda Ives LLC development plan leading to a 28 acre undeveloped parcel owned by the Troutman HRS. This parcel has passed through three generations***

of the Troutman family and has never been offered for sell, nor do we have any plans to sell in the near future. Our family has never been approached by Bethesda Ives LLC to purchase our property for future development. Therefore we believe the said road was planned only to meet the requirements needed for plan approval. Our family is committed to the Bethesda Cemetery Association for first right of refusal should we decide to sell our property, or receive an offer to purchase that generates an interest in selling the property.”

Aberdeen’s Fire Inspector has advised staff that the stubout is not required by the portions of the Fire Code that have been adopted by the town, and that, due to its length of 42 feet, provides limited usefulness as a turnaround for emergency vehicles. Regarding the length of the cul-de-sac Road “A”, he advised that the length of the road is not a concern but would look for an engineered design of the wetland crossing that would allow accessibility to the full length of the road during major rain events. This level of engineering would be expected to be provided by the applicant for the Site Plan Review process, following approval of the conditional use permit.

The existing paved portion of Dunoon Street is accessed from EL Ives Drive and is approximately 170 feet in length. It provides access to two corner EL Ives Drive lots whose homes have driveways off of Dunoon. The remaining +/- 230 feet of Dunoon is an unopened right-of-way. Three vacant lots face this section of Dunoon and are not included in the project proposal. The applicant proposes to construct approximately 75 feet of roadway including a single sidewalk to the end of the Dunoon right-of-way to provide frontage to a corner lot (lot #11) of the proposed development. The street would be stubbed out to allow for future connection of the two portions of Dunoon. The future connection would require approximately 225 linear feet of roadway construction. The developer is only required to improve the roads to the property line of the subdivided property.

The proposed cul-de-sac at EL Ives Drive is currently required by the UDO for dead end streets. The applicant is proposing to cap off the end of EL Ives with a cul-de-sac bulb for access to the five lots planned in that portion of the project and to meet UDO requirements. No sidewalks currently exist on EL Ives and staff does not recommend the proposed bulb be designed to include a sidewalk. However, the applicant has proposed that the natural walkway system make a connection to the new EL Ives cul-de-sac to provide access to the open space in the development.

§152-217 of the UDO allows for residential minor streets, local streets and subcollectors to be constructed with six-foot wide shoulders and grass drainage swales on either side in lieu of curb and gutter, so long as the street grade does not exceed a grade of six (6) percent. *The applicant proposes swaled shoulders in lieu of curb and gutter, a common Low Impact Design feature where conditions allow.*

§152-218 calls for all permanent dead-end streets to be developed as cul-de-sacs. Except where no other practicable alternative is available, such streets may not extend more than 500 feet, and in no case shall be permitted to be over 900 feet, measured to the center of the turnaround. *Proposed Road “A” measures 899 linear feet from the nearest connection (Road/Stubout “D”), which falls just under the 900 foot maximum requirement. **If the Board determines that the stubout road does not meet the intent of the relevant UDO***

language, the Proposed Road "A" cul-de-sac will exceed the 900 foot maximum allowed, as measured from the next nearest connecting road ("Unopened R/W Road B").

Landscaping and Screening

Street trees are required in accordance with §152-315: *Along both sides of all newly created streets ... the developer shall either plant or retain sufficient trees so that, between the paved portion of the street and a line running parallel to and fifty (50) feet from the center line of the street, there is for every thirty (30) feet of street frontage at least an average of one (1) deciduous tree that has, or will have when fully mature, a trunk at least twelve (12) inches in diameter.* Staff will work with the developer to insure that this section is complied with prior to the issuance of zoning permits for lot development, using appropriate species as directed by Section 98.03 of the Code of Ordinances, and Appendix J of the UDO.

§152-317 provides for the retention and protection of large trees, specifically: *Every development shall retain all existing trees twelve (12) inches in diameter or more and no tree twelve (12) inches in diameter or greater shall be removed from the public right-of-way unless the retention of such trees would, in the opinion of the staff, unreasonably burden the development, landowner or maintenance of utilities.* The applicant has not provided a tree survey showing locations and sizes of all trees in the project area that meet this standard. The UDO requirement of a tree survey allows for the existence of significant trees to be considered when designing the project and to provide staff with documentation of the existing conditions. Staff will require a tree survey be provided for the required Site Plan Review process following approval of the conditional use permit. Clearing, grading, and lot and street layout should respect the existing conditions, including topography and significant trees.

Water and Wastewater

Town of Aberdeen water and sewer are currently accessible to the site.

General Conformity with Plans

The 2030 Land Development Plan Future Land Use Map adopted in 2005 identifies this project area as low-density residential with environmentally sensitive areas evident. This designation is consistent with both the current zoning and the existing residential uses in the immediate vicinity. The Plan also states that "conservation subdivisions" may be an appropriate development pattern for new development within the town's jurisdiction. Conservation subdivision design is intended to identify what is important to preserve on a site with development concentrated in the more suitable portions. Considerations such as preserving farmland and environmentally sensitive areas, avoiding steep slopes, and preserving the scenic view from the roadway are common elements in conservation subdivisions.

The Aberdeen Pedestrian and Bicycle Transportation Plans recommend the following for all new residential subdivisions:

1. Sidewalks and marked crosswalks on all new roads in accordance with the design guidelines included in the Pedestrian Plan;
2. Marked sharrows, or bicycle shared-lane markings on all new roads in accordance with the guidelines in the Bicycle Plan.

The Green Growth Toolbox (GGT), adopted by the Board of Commissioners in 2010, shows the existing stream with a recommended 100 foot buffer along either side. The sketch plan being considered complies with this recommendation with the stream and wetlands being incorporated into the open space. The proposed walking trail will require sensitive placement to avoid impacts to the stream and buffer. A Green Growth Toolbox Assessment exhibit is included for reference. It should be noted that the wetlands are not included in the GGT data layer set, though they have been flagged by an environmental consultant. Staff has asked the engineer on the project to provide any available documentation that the Army Corps of Engineers has verified the delineation.

Staff considers the proposal to be in general conformity with plans adopted by the Town Board.

Quasi-judicial Procedure

As a quasi-judicial matter, the Town Board must consider all evidence presented during the public hearing in their decision regarding conditional use permits, and even if they find that an application complies with all other provisions of the UDO, may still deny a permit if it concludes, based upon the information submitted at the hearing, that the development, more probably than not:

1. Will materially endanger public health or safety?
2. Will substantially injure the value of adjoining or abutting property?
3. Will not be in harmony in the area in which it is to be located?
4. Will not be in general conformity with the Land Use Plan or other plans specifically adopted by the Board?

It should also be noted that staff has received a "Protest Petition" signed by ten affected property owners which references NCGS §160A-385. Staff has explained to the individuals who submitted the petition (Mr. and Mrs. Caddell) that such petitions are only relevant for rezonings or other map amendments and do not apply to the current circumstances of this proposal. The Caddells wished to submit the petition for information to the Board to express their wish that the proposal be denied. The Board may not consider this to be a formal protest petition as provided for in the General Statutes referenced, but may consider it as a general protest to the proposal by affected property owners. The petition is enclosed for reference.

Also enclosed is a report provided by the Caddells that was prepared by the Department of Agriculture Soil Conservation Service in 2003. The Caddells have asked that staff review the report and assess the potential impact of the proposed development in relation to the report, however, §152-55(B) of the UDO states that the burden of presenting evidence to the permit-issuing board sufficient to lead it to conclude that the application should be denied for any reason shall be upon the party or parties urging this position, unless the information presented by the applicant in his application and at the public hearing is sufficient to justify a reasonable

conclusion that a reason exists to so deny the application. Staff does not feel that they have the authority to determine the potential impacts of the development as it relates to the report's data.

Furthermore, as noted in the opening paragraph of this memo, data regarding stormwater runoff and soils on and near the site was provided to staff by Mr. Jerry Hall that has now been reviewed by the town's consulting engineer, Mr. Gary McCabe. These items are enclosed for reference. In brief, Mr. McCabe's review states the following:

1. Based on available data, the entire site appears to be above the nearest base flood elevation;
2. It does not appear that the proposed development will significantly alter the overall drainage patterns of the approximately 632 acre drainage area;
3. The development will require permitting from the North Carolina Dept. of Environment and Natural Resources (NCDENR) and possible the Army Corp. of Engineers;
4. Soils and stormwater runoff data provided by Mr. Hall is incomplete and contains some inaccuracies which could be misleading;
5. A pre vs. post development analysis of stormwater runoff rates is recommended during the site plan review process;
6. While soils maps can provide a general sense of existing soils and their characteristics, an evaluation by a licensed geotechnical engineer and/or soil scientist is recommended during the site plan review process;
7. The eleven (11) proposed lots and the proposed single wetland crossing that contain Tillery silty loam soils represent the most marginal soil suitability within the proposed developed area; a geotechnical engineer's evaluation should address these lots, design of the roadway and the wetland crossing, and stormwater and utility improvements.

Recommendations and Suggested Motions

Planning staff's review of the proposal has identified few issues regarding the proposal's compliance with the Town of Aberdeen UDO, and these are limited to the applicant's request to be relieved of the sidewalk requirement in certain areas of the plan. The Board may determine that the presence of wetlands on the site and the instances where the proposed roads do not front buildable land presents extraordinary circumstances that would warrant flexibility in the sidewalk requirement, as provided for in §152-60(B) of the UDO. Condition #7 is included as an option for the Board's consideration.

The Board also has an option of approving alternate materials for sidewalks within the development if they conclude that:

- (1) *Such walkways would serve the residents of the development as adequately as concrete sidewalks; and*
- (2) *Such walkways would be more environmentally desirable or more in keeping with the overall design of the development.*

Staff recommends that the Board accept public comment regarding Conditional Use Permit CU #15-03 during the public hearing scheduled for June 22, 2015 and render a decision on the application at their earliest convenience. The following is a recommended format for motions to be made at that time.

- Motion 1: CU #15-03 (is/is not) within the jurisdiction of the Town Board according to the Table of Permissible Uses.
- Motion 2: CU #15-03 (is/is not) complete as submitted.
- Motion 3: CU #15-03, if completed as proposed, (will comply with all/will not comply with one or more) comply with one or more requirements of the UDO. If not, specify the requirement.
- Motion 4: CU #15-03 (satisfies/does not satisfy) Finding #1: will not endanger public health or safety. If not, list why.
- Motion 5: CU #15-03 (satisfies/does not satisfy) Finding #2: will not substantially injure the value of adjoining or abutting property. If not, list why.
- Motion 6: CU #15-03 (satisfies/does not satisfy) Finding #3: will be in harmony with the area in which it is located. If not, list why.
- Motion 7: CU #15-03 (satisfies/does not satisfy) Finding #4: will be in general conformity with Land Use Plan or other plans specifically adopted by the Board. If not, list why.

Per UDO §152-54(c), If the Board votes that the application is not complete as submitted (Motion #1), or that the proposal will not comply with one or more requirements of the UDO if completed as proposed (Motion #2), the application may not be approved. If the Board votes that the application satisfies all requirements of the UDO and findings 1-4, they shall approve the application.

- Motion 8: Based on the Findings of Fact and the evidence presented, the Town Board:
- Issues denial of CU #15-03 based on the following: _____.
 - Issues approval of CU #15-03.
 - Issues approval with conditions of CU #15-03 as follows.

Recommended Conditions (Planning Board amendments to the conditions are indicated in red)

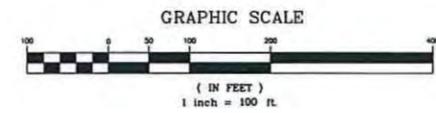
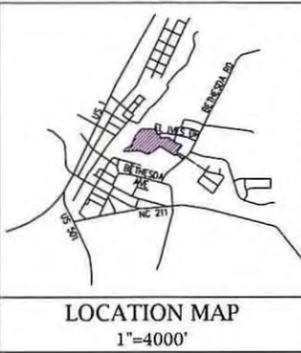
1. Conditional Use Permits (CUPs) run with the land and as such CU #15-03 applies to the entirety of the property reflected in Parcel ID #00054112. An amendment to the CUP is needed to remove property

from the CUP or to make changes to the CUP. If an activity is a use by right, it is not subject to the CUP.

2. The proposed use is authorized by the CUP, however, approval of CU #15-03 is contingent on a successful inter-departmental review to insure that the development has met all Federal, State and local regulations and permitting requirements, as well as any conditions attached to the CUP approval. Plans submitted for this review shall include, but not be limited to, tree survey indicated all trees with a dbh of 12" or greater, utility locations including size, material, and vertical alignment of waterlines, engineering calculations assuring that proposed stormwater measures meet or exceed the requirements of Article XVI, Part 2, Drainage, Erosion Control and Stormwater Management of the UDO.
3. Any and all required permits and/or approvals from other regulatory agencies must be in place prior to issuance of a Notice to Proceed by the Planning Department.
4. The development is authorized to create a maximum of thirty-eight (38) single family lots and construction documents generally based on the Site Sketch Plan with a revision date of 5/29/15.
5. Open Space shall generally comply with the 5/29/2015 Site Sketch Plan and Pedestrian Plan, including proposed improvements, and in no case may be reduced to less than 20% of the total land area for the development. **Prior to approval of the Final Plat for the subdivision, the developer shall establish a Homeowners' Association with covenants to include a policy for maintenance of the open space, including any improvements such as walking trails. A copy of the covenants shall be provided to staff for review and record-keeping.**
6. Tree harvest and mass grading are not authorized as a result of this approval. Construction documents, including a grading plan, shall be reviewed by staff for compliance with the UDO.
7. In accordance with §152-60(B) of the UDO, the Board determines that the development presents extraordinary circumstances that warrant relief from strict adherence to sidewalk requirements. The applicant is to provide sidewalks and natural walking trails as indicated on the Pedestrian Plan submitted with a revision date of 5/29/15.
8. The applicant shall supply Planning staff with an assessment from US Fish and Wildlife Agency with regards to Red Cockaded Woodpecker, or other protected species, activities on the property prior to site disturbance. Evidence of such activities authorizes staff to require amendments to the plan to minimize impacts.
9. Approval of CU #15-03 is contingent upon a revised site layout plan that shows all rear **and/or side** lot lines that encroach into the wetlands have been altered to coincide with the wetland boundary when doing so would not make the lot unbuildable. At a minimum, lots 1, 6, **12**, 29, 30, 31, 32, 33, 34, 35, and 36 shall be adjusted to meet this condition unless the applicant can provide evidence to staff that the lot will be rendered unbuildable by doing so. Additionally, setback lines on lots 5, 17, 27, 28, 37, and 38 are to be adjusted to coincide with the wetland boundary **where doing so will increase the setback area rather than lessen it. Buildability in this instance refers strictly to the lot's ability to meet the dimensional standards required for the district.**
10. Streets, sidewalks, waterlines, and sewer and stormwater facilities shall meet all UDO requirements and are to be dedicated to the Town of Aberdeen contingent upon inspection and approval by the Public Works Department. Preliminary and Final Plats shall identify any and all Town easements related to these facilities. Details shall be reviewed by staff during the Site Plan Review process following approval of the conditional use permit.

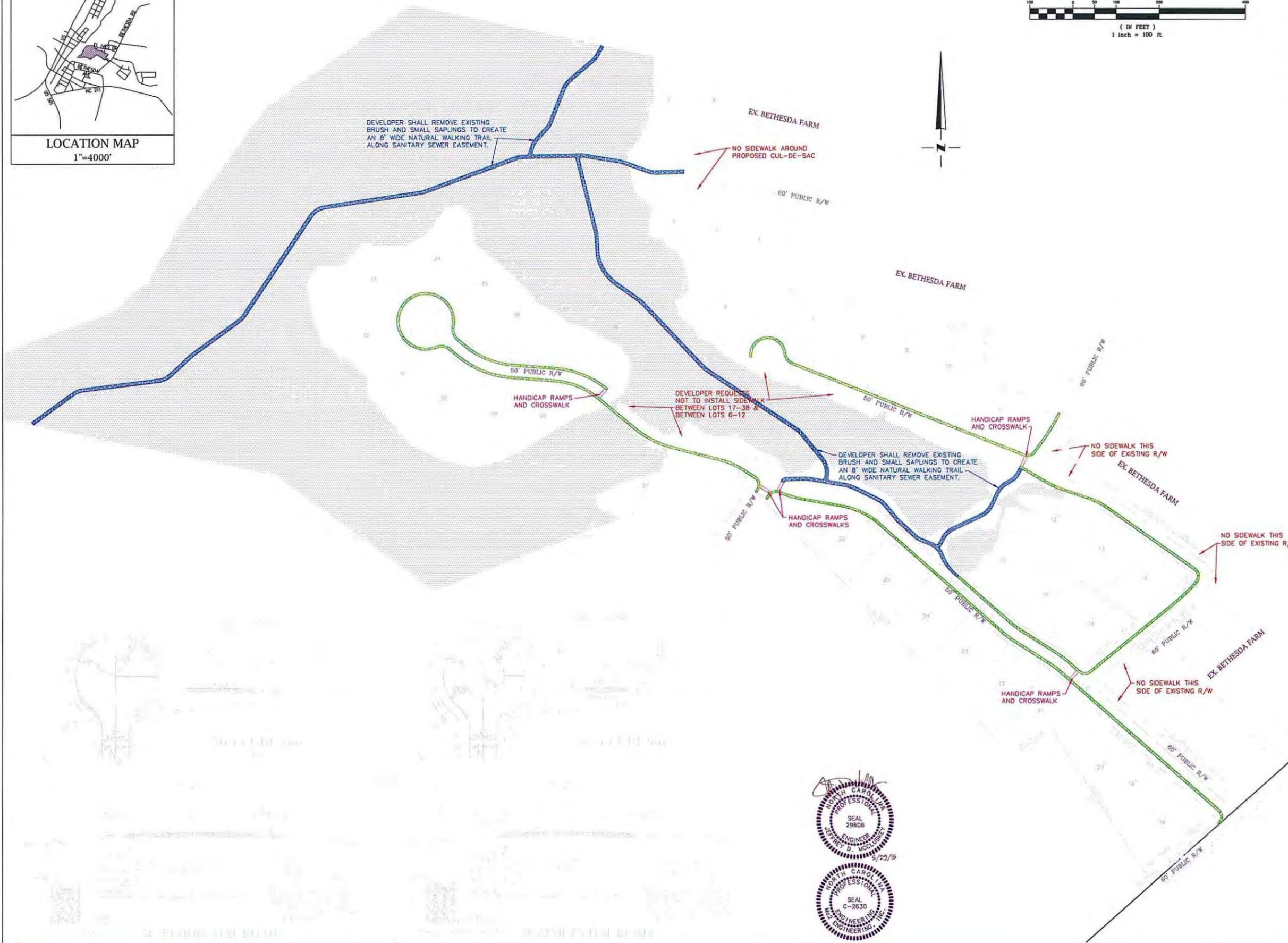
11. The Fire Department must sign off on the drawings as well as available capacity for treating fires. Hydrants are required consistent with ~~their~~ Fire Department spacing requirements. Adequate turning radius must be provided for the fire trucks currently in use.
12. Prior to approval of final plat(s), all infrastructure must be complete or guaranteed per UDO requirements, **including sidewalks.**
13. Street trees shall be installed prior to final plat approval or as a requirement of the building permit for each lot and shall be consistent with official species list provided in §98.03 of the Aberdeen Code of Ordinances or with “Trees of the Carolinas” (Appendix J of the UDO) and planted at the appropriate rate. Compliance with the street tree requirements will be reviewed by staff and staff is authorized to verify compliance prior to issuing a certificate of occupancy for each lot.
14. Sharrows and marked crosswalks shall be installed or guaranteed prior to final plat approval consistent with the requirements of the Comprehensive Pedestrian and Bicycle Plans.
15. All additional conditions or requirements as provided from the Town of Aberdeen Unified Development Ordinance are enforceable with regards to the proposal CU #15-03.
16. **Approval of CU #15-03 is contingent on evaluation of soils by a NC licensed Geotechnical Engineer or Soil Scientist where the proposed roads, houses, and utilities will be constructed prior to Site Plan approval. Staff is authorized to require amendments to the plan to accommodate/remedy any evidence of soils unsuitable for building determined by the evaluation. The evaluation shall also include design recommendations for the roadway, wetland crossing, and stormwater and utility improvements.**
17. **Approval of CU #15-03 is contingent on a hydrologic analysis performed by a NC licensed engineer of the downstream unnamed tributary to Aberdeen Creek to determine if it has sufficient capacity to accept the proposed increase in stormwater runoff as a result of the subdivision proposed by CU #15-03.**

Enclosures: Mc2 Site Sketch Plan dated 5/29/2015
Mc2 Pedestrian Plan dated 5/29/2015
CUP Application
Vicinity Zoning Map
Site Aerial
Green Growth Toolbox Assessment
Overlay Map
Affected Party Petition
2003 Soil Conservation Service Report provided by Jerry and Patricia Caddell
Stormwater runoff and soils data provided by Mr. Jerry Hall
Report by Town of Aberdeen Consulting Engineer Mr. Gary McCabe
Letter to Aberdeen Town Mayor and Commissioners from Concerned Aberdeen Citizens
Staff Email to Mayor and Commissioners dated 9/2/2015
Right of First Refusal Document Provided by Margaret Troutman Heirs
Clarification Statement Provided by Margaret Troutman Heirs



DEVELOPER REQUEST IN AN EFFORT TO BE LOW IMPACT AND TO HELP WITH MEETING THE GREEN GROWTH CRITERIA THAT IN CERTAIN AREAS SIDEWALK WOULD ONLY BE INSTALLED ON ONE SIDE OF THE STREET WITH PROPOSED LOTS AND THAT IN AREAS WITHOUT HOUSES ABUTTING THE ROAD SIDEWALK WOULDN'T BE INSTALLED.

AREAS THAT DEVELOPER REQUEST SIDEWALK NOT BE INSTALLED BETWEEN
 -LOTS 17-38 (APPROXIMATELY 940 LF)
 -LOTS 6-12 (APPROXIMATELY 750 LF)



Mc² ENGINEERING

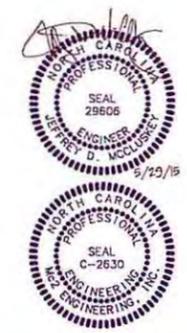
MC² ENGINEERING, INC.
 2110 BEN CRAIG DRIVE
 SUITE 400
 CHARLOTTE, NC 28262
 PHONE 704.510.9797

BETHESDA IVES, LLC
 PO BOX 12
 WEST END, NC 27376

PEDESTRIAN PLAN

REVISIONS		
1	3/26/15	PLANNING COMMENTS
2	5/4/15	APPLICANT REVISIONS
3	5/29/15	PLANNING COMMENTS

CAD FILE: 14-026 BASE.DWG
 PROJECT NO.: 14-026
 DESIGNED BY: JDM
 DATE: MARCH 3, 2015





Town of Aberdeen

Planning Department
Phone: (910) 944-7024
Fax: (910) 944-7459

For office use only:
Application No. _____
Date Received: _____
Amount Received: _____

Conditional Use Application

NOTES: - DEADLINE FOR SUBMITTAL IS ONE MONTH PRIOR TO THE APPLICABLE MEETING DATE OF THE PLANNING BOARD.
- ALL APPLICATIONS MUST BE ACCOMPANIED BY A SITE PLAN. SEE SITE PLAN APPLICATION CHECKLIST FOR REQUIRED ITEMS.

APPLICANT INFORMATION:

Applicant: Bethesda Ives, LLC

Phone No. 910-281-0131 Cell No. 910-603-5300 Email: marketvalue@

Applicant's Address PO Box 4393, Pinehurst, NC 28374 pinehurst.net

Property Owner: Same as Applicant

Owner's Address: Same as Applicant

Property Location Address: Bethesda Rd, E.L. Ives Dr and Dunoon St PID #00054112
LRK# PIN 857015544714

CONDITIONAL USE REQUEST:

- A. Existing Zoning: R20-16
- B. Existing land use on property: Vacant
- C. Requested land use: Single Family Residential

THE BOARD MUST MAKE THE FOLLOWING FINDINGS OF FACT IN ORDER TO APPROVE A CONDITIONAL USE PERMIT. PLEASE PROVIDE INFORMATION TO SUPPORT THE FOLLOWING STATEMENTS.

STATEMENT OF JUSTIFICATION:

A. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare:

The proposed single family residential is compatible with the existing adjacent land use which is single family residential.

B. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or substantially diminish and impair property values within the neighborhood:

The proposed single family residential will be similar in nature to the existing lot sizes of the adjacent single family homes and the proposed houses will also be similar in value to the existing neighborhood. or higher in value.

C. The establishment of the conditional use will be in harmony with the area in which it is to be located and will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district:

The proposed development includes creating connections to the existing stub streets that currently exist and installing permanent cul-de-sacs for emergency vehicle turnarounds along with opening existing unopened right of ways and creating a stub connection to the South from Road "D" that will serve as a future connection.

D. The exterior architectural appeal and function plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district as to cause substantial depreciation in the property values within the neighborhood:

The proposed development will have homes that are similar in nature to the existing homes and will include a combination of siding on the sides and rear and the front elevation will generally have siding with accents of vinyl shakes, stone veneer and brick.

E. Adequate utilities, access road, drainage and/or necessary facilities have or are being provided:

The proposed development will include constructing public water and sanitary sewer along with public roads built to the Town and NCDOT standards for acceptance.

F. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets:

As mentioned above in item "C" several of the roads consist of connections to existing dead end roads that will be properly permanently dead end with a cul-de-sac or opening unopened right of ways. Ultimately the project involves 2 connections to Bethesda Road (E.L. Ives Road and an existing Unopened right of way called Road "A")

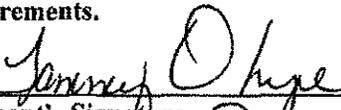
G. The conditional use will be in general conformity with the land-use plan, thoroughfare plan, or other plan specifically adopted by the Town:

The proposed plan is in conformance with the zoning and land use plan. The proposed development also has included connectivity as illustrated within the Town adopted Pedestrian Plan as illustrated in Priority Project #6 (Downtown to Malcolm Blue Greenway). The plans include sidewalks and walking trails.

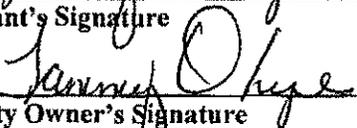
H. The conditional use in all other respects, conforms to the applicable regulations of the district in which it is located:

The proposed development is in accordance with all aspects of the zoning ordinance and Town Ordinances.

Acceptance of this application does not imply approval of this request. I realize that this application may be denied or that conditions may be attached to this request at assure compliance with applicable Zoning Code Requirements.

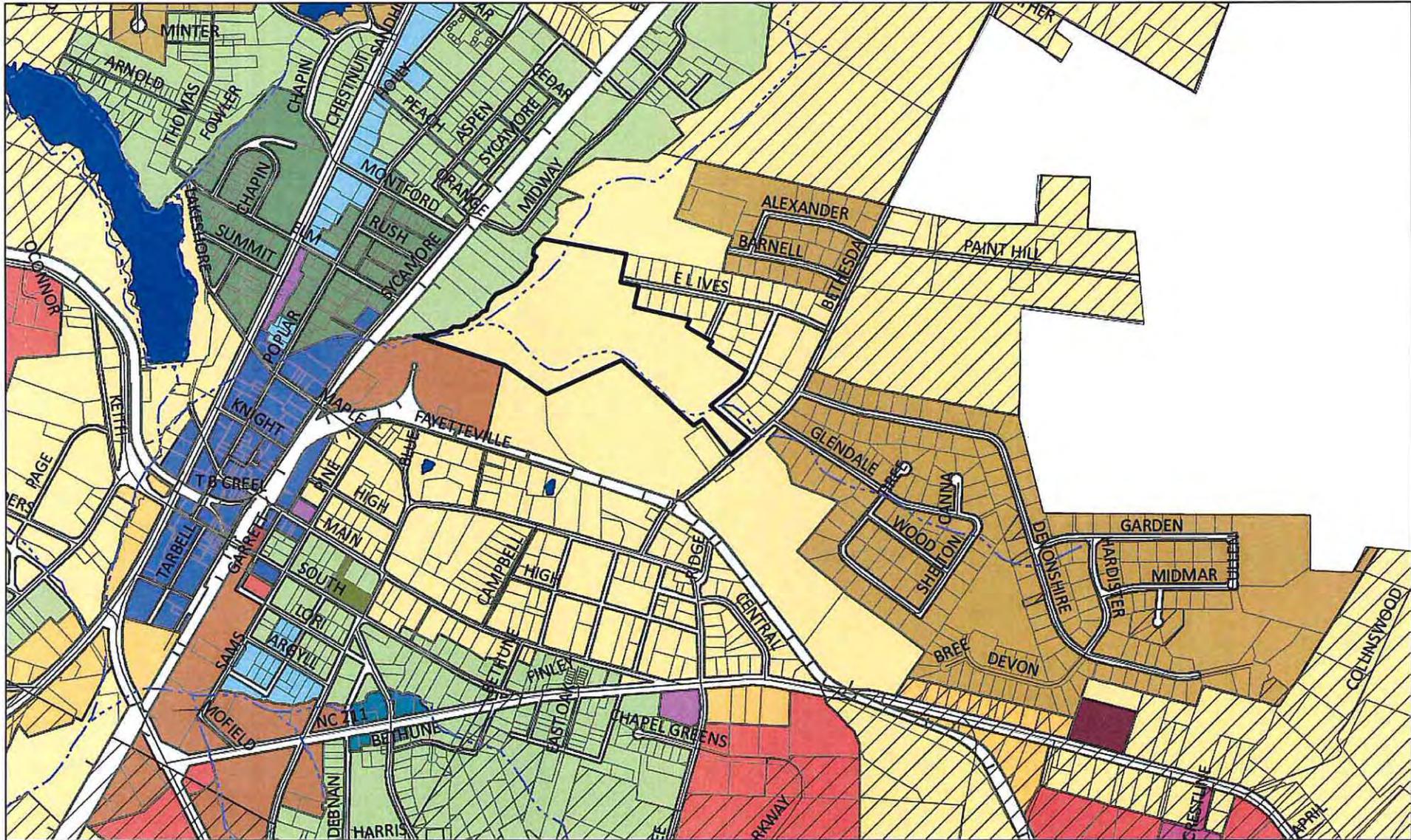

Applicant's Signature

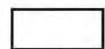
5/7/15
Date


Property Owner's Signature

5/7/15
Date

Conditional Use Permit CU 15-03 – Vicinity Zoning



 B-1	 C-I	 HC	 RA	 R15-12	 R30-18	 R10-10-C	 Aberdeen ETJ
 B-2	 I-H	 O-I	 R6-10	 R18-14	 C-I-C	 R20-16-C	 Other Jurisdiction
 B-3	 GC	 MH	 R10-10	 R20-16	 I-H-C		

Conditional Use Permit CU 15-03 – Site Aerial





Property Proposed for
Conditional Use Permit



2' Contours



Stream



Conditional Use Permit CU 15-03 Green Growth Toolbox Assessment

500 Yr Floodplain



100 Yr Floodplain



Recommended Stream Buffer



Existing Sewer





WETLANDS
427.51 ACRES
(HATCHED AREA)

OPEN SPACE
427.6 ACRES

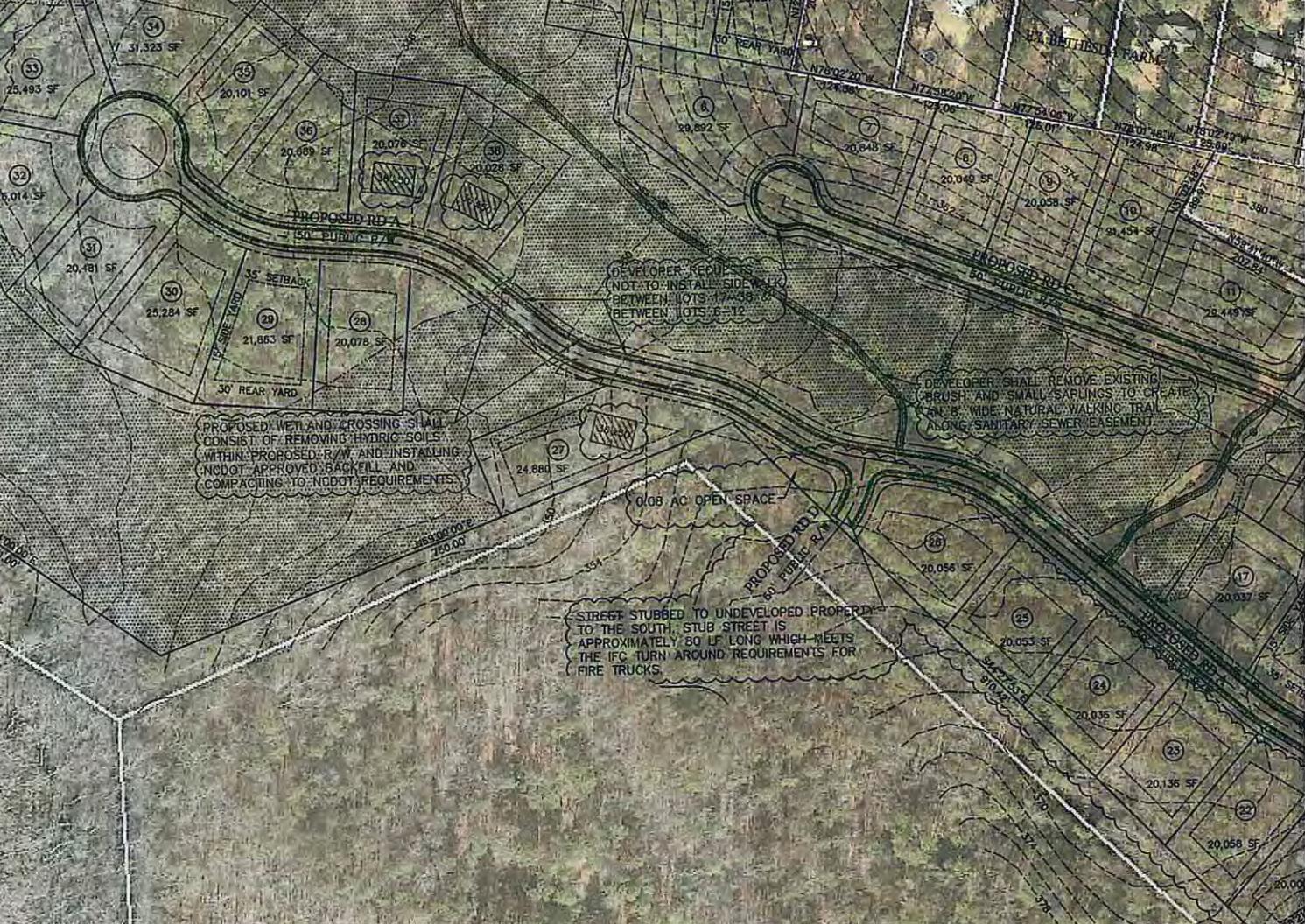
PROPOSED WETLAND CROSSING SHALL
CONSIST OF REMOVING HYDRIC SOILS
WITHIN PROPOSED R/W AND INSTALLING
NCDOT APPROVED BACKFILL AND
COMPACTING TO NCDOT REQUIREMENTS.

DEVELOPER SHALL REMOVE EXISTING
BRUSH AND SMALL SAPLINGS TO CREATE
8' WIDE NATURAL WALKING TRAIL
ALONG SANITARY SEWER EASEMENT.

DEVELOPER SHALL REMOVE EXISTING
BRUSH AND SMALL SAPLINGS TO CREATE
8' WIDE NATURAL WALKING TRAIL
ALONG SANITARY SEWER EASEMENT.

STREET STUBBED TO UNDEVELOPED PROPERTY
TO THE SOUTH. STUB STREET IS
APPROXIMATELY 80 LF LONG WHICH MEETS
THE IFC TURN AROUND REQUIREMENTS FOR
FIRE TRUCKS.

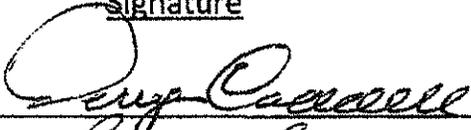
0.08 AC OPEN SPACE



PROTEST PETITION

We the undersigned request the Town Of Aberdeen to consider this petition as a formal protest against the conditional use permit #15-03 submitted by Bethesda Ives, LLC. This petition has been signed by the owners of twenty percent (20%) or more of those parcels located immediately adjacent to subject property as listed on the zoning application either in the rear or on either side, extending 100 feet, or of those directly opposite extending 100 feet from the street frontage of the opposite lots as required by NC Statute Section 160A-385.

Legal Property Owner

<u>Printed Name</u>	<u>Signature</u>	<u>Address</u>
JERRY CADDELL		702 IVES DR. ABERDEEN
Patricia Caddell	Patricia Caddell	702 IVES DR. ABERDEEN
Rodney Tyner	Rodney Tyner	501 Bethesda Rd Aberdeen
Dauline H BETHRA	Dauline H. Bethra	608 EL Ives Dr Aberdeen
Julia THOMAS	Julia Thomas	602 EL Ives Drive Aberdeen
THOMAS WHITAKER JR	Thomas Whitaker	610 E. L. IVES DR. ABERDEEN
Dorothy Dreyer		601 EL Ives Dr. Aberdeen
RAFFAEL GIRONDA	Raffaello Gironde	603 EL IVES DR. ABERDEEN
DORIS T McPhaul	Doris T. McPhaul	1475 Midland Rd. # 53 Southern Pines 283
Theresa T. Hall	Theresa T. Hall	149 Mcintosh Rd. CARTHAGE NC 282

To: Pamela Graham
Planning Director, Town Of Aberdeen

From: Jerry Caddell
702 Ives Dr.
Aberdeen, nc 28315

Date: 6/17/15

Re: Enclosed waterway, pipe flow, & runoff report

This report was prepared by Department of Agriculture Soil Conservation Service in 2003. The area that generates the water flow as well as the receiving land has not changed in configuration since then. Please review to see how this will impact the request for development in the Bethesda, Ives area.



DESIGN WORKSHEET
for
Pipe Flow Formula Solution

prepared for

Jerry Caddell

in

Moore County, North Carolina

Designer : JH
Date : 08/04/03

Checker _____
Date _____

Mannings Coefficient (n)	0.015
Entrance Coefficient (Ke)	0.65
Diameter of pipe	15 inch.
Head on pipe	1.0 feet.
Length of pipe	20 feet.

Pipe Capacity	6.5 cfs
Velocity in pipe	5.3 ft/sec

Friction Coefficient (Kp)	0.0310
Max allowable fall in pipe when outlet is not submerged	0.3 ft.

prepared for

Jerry Caddell

in

Moore County, North Carolina

Designed by : JH
Date : 08/04/03
Job Number :

Checked by : _____
Date : _____

Waterway

Reach	RET	Q cfs	Slope %	-Capacity-			-Stability-			Area ac
				TW-2 ft	D-2 ft	V-2 fps	TW-1 ft	D-1 ft	V-1 fps	
0+00 to 2+50	C/D	10	2.00	6.7	1.0	2.2	6.2	0.9	2.8	0.04

Total Waterway Area = 0.0 ac.

Client: Town Of Aberdeen
 County: Moore NOAA-B
 Practice: Subdivision
 Calculated By: JCH
 Checked By: _____

State: NC
 Date: 7/27/2015
 Date: _____

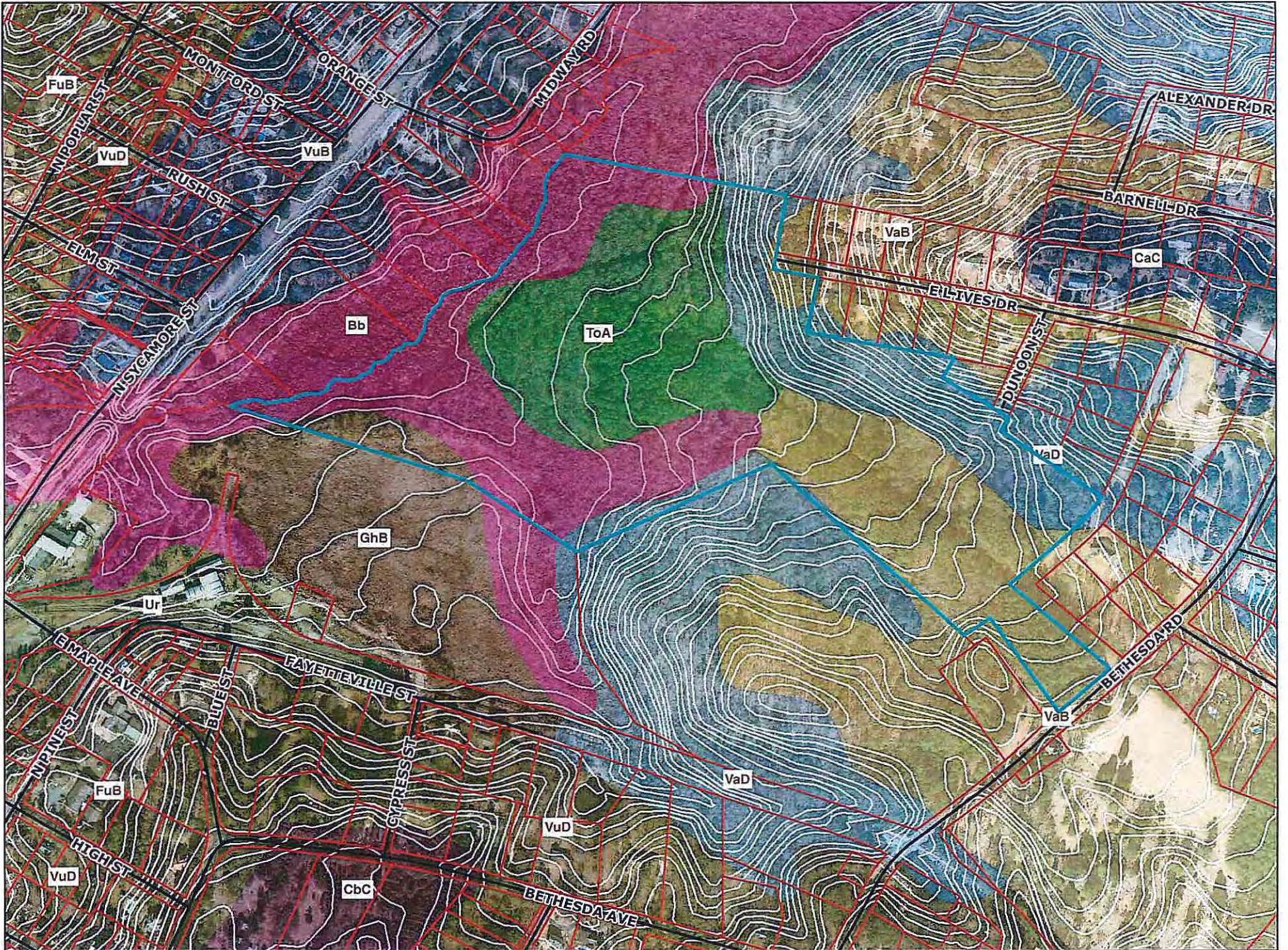
Drainage Area: 460. Acres (provided from RCN Calculator)
 Curve Number: 74 (provided from RCN Calculator)
 Watershed Length: 5000 Feet
 Watershed Slope: 6 Percent
 Time of Concentration: 0.94 Hours (calculated value)
 Rainfall Type: II

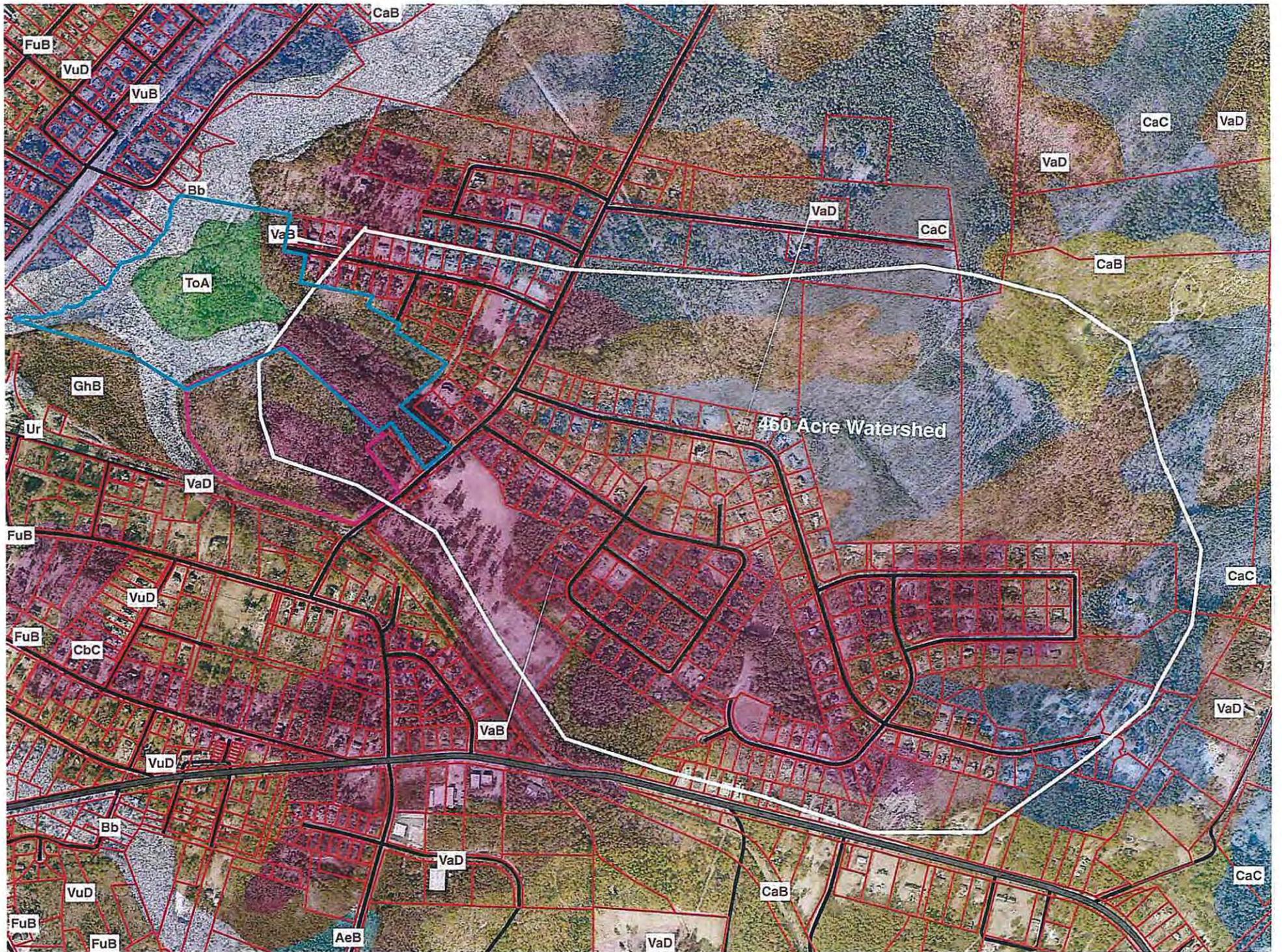
Storm Number	1	2	3	4	5	6	7
Frequency (yrs)	1	2	5	10	25	50	100
24-Hr rainfall (in)	3.07	3.71	4.65	5.40	6.42	7.22	8.05
Ia/P Ratio	00.23	00.19	00.15	00.13	00.11	00.10	00.09
Used	00.23	00.19	00.15	00.13	00.11	00.10	00.10
Runoff (in)	.95	1.39	2.09	2.69	3.54	4.23	4.97
(ac-ft)	36.42	53.28	80.12	103.12	135.70	162.15	190.52
Unit Peak Discharge (cfs/acre/in)	00.512	00.533	00.553	00.564	00.575	00.580	00.580
Peak Discharge (cfs)	224	340	531	697	937	1,130	1,326

Curve number Computation

Client: Town Of Aberdeen
 County: Moore NOAA-B State: NC
 Practice: Subdivision
 Calculated By: JCH Date: 7/27/2015
 Checked By: _____ Date: _____

COVER DESCRIPTION	Acres (CN)			
	Hydrologic Soil Group			
	A	B	C	D
FULLY DEVELOPED URBAN AREAS (Veg Estab.)				
Impervious Areas	-	-	5(98)	-
Paved parking lots, roofs, driveways				
Residential districts (by average lot size)				
1/3 acre	-	-	35(81)	-
Avg % imperv				
30				
OTHER AGRICULTURAL LANDS				
Woods	-	-	420(73)	-
fair				
Total Area (by Hydrologic Soil Group)			460	
TOTAL DRAINAGE AREA: 460 Acres		WEIGHTED CURVE NUMBER: 74		







460 Acre Watershed

The slope is the major limitation affecting recreational development. Cutting and filling help to overcome this limitation.

The land capability subclass is IVe. Based on loblolly pine as the indicator species, the woodland ordination symbol is 6R in areas of the Tatum soil and 8R in areas of the Nason soil.

ToA—Tetotum silt loam, 0 to 3 percent slopes, rarely flooded. This nearly level and gently sloping, moderately well drained soil is on stream terraces throughout the county. Individual areas are irregular in shape and range from 5 to 100 acres in size.

Typically, the surface layer is brown silt loam 4 inches thick. The subsurface layer is brownish yellow silt loam 5 inches thick. The subsoil extends to a depth of 44 inches. It is silty clay loam. The upper part is brownish yellow. The next part is yellowish brown and has red, strong brown, and brown mottles. The lower part is strong brown and has pinkish gray mottles. The underlying material to a depth of 70 inches is yellowish red silt loam that has red, pinkish gray, and light reddish brown mottles.

Included with this soil in mapping are small areas of Chewacla and Masada soils. The somewhat poorly drained Chewacla soils are along drainageways. The well drained Masada soils are in the higher positions on the landscape. Also included are wet spots, which are identified by a special symbol on the soil maps. Included soils make up about 10 percent of this map unit.

Permeability is moderate in the Tetotum soil. Available water capacity is high. Runoff is slow. Reaction is extremely acid to strongly acid, except where the surface layer has been limed. The seasonal high water table is 1.5 to 2.5 feet below the surface. The soil is subject to rare flooding of brief duration during periods of abnormally high floods.

About half of the acreage of this soil is used as cropland or pasture. The rest is used as woodland.

The commonly grown crops are corn, soybeans, and small grain. The wetness is the major limitation. A drainage system may be needed for some agricultural crops. Fescue is the primary species grown for hay and pasture. Proper stocking rates, rotation grazing, timely deferment of grazing, and restricted use during wet periods help to keep the pasture in good condition.

The dominant trees are loblolly pine, yellow-poplar, sweetgum, southern red oak, and white oak. The understory includes American holly, sourwood, flowering dogwood, greenbrier, winged elm, and red maple. Plant competition and the hazard of flooding are management concerns affecting timber production. Disking during site preparation helps to control plant competition. Using

wheeled and tracked equipment during wet periods results in ruts, surface compaction, and damage to tree roots.

The wetness is a limitation affecting recreational development. A good drainage system is needed in intensively used areas, such as playgrounds.

The land capability subclass is IIw. Based on loblolly pine as the indicator species, the woodland ordination symbol is 9W.

Ud—Udorthents, loamy. This map unit consists of sand pits, landfill, borrow pits, and fill. In these areas the natural layering sequence of the soil has been so altered by earthmoving operations, such as scraping, backfilling, trenching, and excavating, that identification of the natural soil is not feasible. These areas are identified on the soil maps by the map unit symbol and by the following special symbols—Sand Pit, Landfill or LF, Borrow Pit or BP, and Fill.

Sand pits are on Coastal Plain uplands in the southern part of the county. They include open excavations from which sand has been or is being removed for use in construction. In many places sand pits are in areas of Candor soils and, to a minor extent, Ailey soils.

These areas have short, vertical sidewalls and a relatively smooth base. They range from 3 to about 30 feet deep. The depth depends on the thickness of the sandy layer. Typically, the sand pits vary in shape and size. The largest ranges up to about 175 acres in size. The exposed loamy soil material supports plant growth. The rooting depth and the low available water capacity are limitations of the soil material.

The natural areas are commonly reseeded to loblolly pine, turkey oak, and blackjack oak. Reclaimed areas are in coastal bermudagrass and loblolly pine.

These areas have the potential for urban uses, recreational development, or wildlife habitat.

The Moore County landfill is on Coastal Plain uplands and in the Sandhills in the southern part of the county. It consists of graded trenches that are backfilled with alternate layers of solid refuse and soil material. A final cover of about 2 feet of soil is on the surface. After the final cover is added, the surface is nearly level and gently sloping.

Included in mapping are small areas of undisturbed soil, which are commonly near the edge of the mapped areas. The soil between the trenches is relatively undisturbed, except for the final cover used to smooth the entire area.

Areas of landfill are suited to plant growth. Available water capacity is generally low. A permanent plant cover is essential to protect these areas from erosion.

The characteristics of the soil material vary to such a

degree that interpretive statements cannot be made without onsite examinations of the individual areas.

Areas of borrow pits are scattered throughout the county, commonly adjacent to the major roads. They consist of areas from which the soil material has been removed for use as construction material for highways. The cuts are 5 to more than 15 feet deep. The base slope in these cuts is level and gently sloping. Most cuts have one or more short, nearly vertical side slopes. The soil material presently exposed is commonly similar to that in the subsoil and the underlying material of the closely adjacent soils. Loamy marine deposits are the most common material exposed in the cuts. Areas of less than 2 acres in size are shown by a spot symbol on the soil maps.

Included in mapping are small areas of fill material that have been pushed aside during excavation. Some of the borrow pits have been reclaimed and are seeded to grasses. A few areas are naturally reseeded to wild grasses, weeds, and loblolly pine. Because of the shallow rooting depth, the low available water capacity, the low content of organic matter, and poor soil fertility, these areas have poor physical properties for establishing and supporting plant growth.

Seeded areas have the potential for use as wildlife habitat.

Fill areas are in the southern part of the county, near lakes and drainageways. Most of these areas are used for golf courses. They are generally long, narrow strips of soil material used to raise the landscape above the normal flood stage. Available water capacity is generally moderate, and these areas have a permanent plant cover.

The land capability subclass is VIII_s. This map unit is not assigned a woodland ordination symbol.

Ur—Urban land. This map unit consists of areas where more than 85 percent of the surface is covered by buildings, streets, and parking lots. Extensive urbanization has altered the natural soils and has changed the topography and original landscape. The remaining soil surfaces are used mainly for small lawns or shrub gardens near buildings, sidewalks, and parking areas. The slope is commonly 2 to 8 percent.

Most areas are in or around the towns of Southern Pines, Aberdeen, and Pinehurst. Individual areas are irregular in shape and range from 5 to 80 acres in size. Other areas in the smaller towns in the county range from 5 to 25 acres in size.

Nearly all of the precipitation that falls in this map unit runs off, increasing the hazard of flooding in low areas. Silt from areas that have been graded and have not been stabilized can be carried into waterways and reservoirs.

Onsite examination is necessary to determine the use and management in this map unit.

The land capability subclass is VIII_s. This map unit is not assigned a woodland ordination symbol.

VaB—Vaucluse loamy sand, 2 to 8 percent slopes.

This gently sloping, well drained soil is on ridgetops throughout the Coastal Plain. Individual areas are elongated or irregular in shape and range from 5 to about 200 acres in size.

Typically, the surface layer is brown loamy sand 7 inches thick. The subsurface layer is yellowish brown loamy sand 6 inches thick. The subsoil extends to a depth of 50 inches. The upper part is moderately permeable, firm, strong brown sandy clay loam that has yellowish red mottles. The lower part is slowly permeable, very firm, reddish yellow sandy clay loam that has yellowish red mottles. The underlying material extends to a depth of 80 inches. The upper part is mottled very pale brown and reddish yellow sandy loam, and the lower part is very pale brown fine sand.

Included with this soil in mapping are small areas of Ailey, Dothan, Fuquay, and Gilead soils. Ailey, Dothan, and Fuquay soils are commonly in the smooth, less sloping areas. The moderately well drained Gilead soils are on the lower part of the slope along drainageways. Also included are wet spots, which are identified by a special symbol on the soil maps. Included soils make up about 20 percent of this map unit.

Permeability is slow in the Vaucluse soil. Available water capacity is low. Runoff is medium. Reaction is very strongly acid or strongly acid in the surface layer and subsurface layer, except where limed, and extremely acid to strongly acid in the subsoil and underlying material.

About one-third of the acreage of this soil is used as cropland. The rest is used as pasture or woodland.

The crops commonly grown on this soil are corn, tobacco, soybeans, and small grain. The hazard of erosion is the major management concern. Conservation cropping systems, cover crops, grassed waterways, diversions, field borders, and crop residue management help to control erosion. Bermudagrass hybrids are the primary species grown for hay and pasture. Pasture management includes measures that maintain the protective plant cover, which help to control erosion. Proper stocking rates, rotation grazing, and restricted use during wet periods help to keep the pasture in good condition.

The dominant trees are loblolly pine, longleaf pine, white oak, and southern red oak. The understory includes flowering dogwood, greenbrier, pineland threeawn, and sourwood. No major limitations affect

and blackjack oak. The understory includes sassafras, greenbrier, blueberry, and pineland threeawn. The main limitations are the sandy surface layer and droughtiness. The loose, sandy layers in the upper 20 to 40 inches hinder the use of wheeled equipment when timber is harvested, especially when the soil is saturated or very dry.

The slow permeability, the slope, and droughtiness are the main limitations affecting urban development. Extending the distribution lines to provide a larger absorption area can help to overcome the slow permeability. Maintaining lawns may be difficult because of droughtiness. Drought-tolerant grasses and shrubs should be selected for planting. No major limitations affect local roads and streets.

The slope is the major limitation affecting recreational development. This limitation can be overcome by proper planning and careful site selection of recreational facilities. Maintaining golf fairways may be difficult because of droughtiness.

The land capability subclass is VI_s. Based on longleaf pine as the indicator species, the woodland ordination symbol is 4S.

Bb—Bibb loam, 0 to 2 percent slopes, frequently flooded. This nearly level, poorly drained soil is on flood plains on the Coastal Plain. Individual areas are long and narrow and range from 10 to more than 200 acres in size.

Typically, the surface layer is black loam 12 inches thick. The underlying material extends to a depth of 70 inches. It is dark grayish brown fine sandy loam in the upper part, light brownish gray fine sandy loam in the next part, and grayish brown sandy loam in the lower part.

Included with this soil in mapping are similar soils that have a surface layer of fine sandy loam, sandy loam, or silt loam. Also included are intermingled areas where the black surface layer is more than 24 inches thick and small areas where the subsoil has more clay than is typical for the Bibb soil. Included soils make up about 25 percent of this map unit.

Permeability is moderate in the Bibb soil. Available water capacity is high. Runoff is slow. Reaction is very strongly acid or strongly acid, except where the surface layer has been limed. The seasonal high water table is at or above the surface during most of the year. This soil is frequently flooded.

Most of the acreage of this soil is used as woodland. The rest is used as pasture.

This soil is generally unsuited to cultivation. The frequent flooding and the wetness are the major management concerns. A drainage system is needed

for optimum yields. Bermudagrass hybrids are the primary species grown for hay and pasture. Restricted grazing during wet periods and rotation grazing help to keep the pasture in good condition.

The dominant trees are loblolly pine, sweetgum, yellow-poplar, blackgum, water oak, and Atlantic white-cedar. The understory includes blackgum, common reed, and redbay. The major management concerns are the flooding and the wetness. They restrict the use of equipment and increase the seedling mortality rate. They can be overcome by installing a drainage system, such as subsurface tile and ditches.

The wetness and the flooding are the major limitations affecting septic tank absorption fields, dwellings with or without basements, and local roads and streets. Because it is on flood plains, this soil should not be used as a site for dwellings. The wetness and the flooding on sites for local roads and streets can be overcome by constructing the roadbeds above the known flood stage.

The flooding and the wetness are the major limitations affecting recreational development. Floodwater can damage any structure built on this soil.

The land capability subclass is V_w. Based on loblolly pine as the indicator species, the woodland ordination symbol is 9W.

CaB—Candor sand, 0 to 4 percent slopes. This nearly level and gently sloping, somewhat excessively drained soil is on Coastal Plain uplands. Individual areas are irregular in shape and range from 5 to more than 500 acres in size.

Typically, the surface layer is grayish brown sand 13 inches thick. The subsurface layer extends to a depth of 26 inches. It is light yellowish brown sand. The subsoil extends to a depth of 80 inches. The upper part is yellowish brown loamy sand. The next part is light yellowish brown sand that has very pale brown and yellowish brown mottles. The lower part is yellowish brown sandy loam that has light yellowish brown and strong brown mottles.

Included with this soil in mapping are small areas of the well drained Ailey and Fuquay soils. These soils are in the lower, more sloping areas. Also included are wet spots, which are identified by a special symbol on the soil maps. Included soils make up about 10 percent of this map unit.

Permeability is rapid in the upper layers of the Candor soil and moderate in the lower part of the subsoil. Available water capacity is very low. Runoff is very slow. Reaction is extremely acid to strongly acid, except where the surface layer has been limed. The hazard of wind erosion is severe.

Red Line Engineering, P.C.

"Engineering Relationships"

August 19, 2015

Town of Aberdeen
Attn: Mrs. Pamela Graham
115 North Poplar Street
P.O. Box 785
Aberdeen, North Carolina 28315

Re: Bethesda Ives Subdivision (CUP# 15-03)

Dear Mrs. Graham,

On July 30th, 2015, Red Line Engineering, P.C. (hereafter RLE) was engaged by the Town of Aberdeen to advise the Town regarding soils and stormwater runoff information presented by a citizen during the Conditional Use Permit public hearing process of the Bethesda Ives Subdivision (CUP#15-03). The Town provided RLE with subdivision plans, a staff report, and information from Mr. Hall. RLE was asked to review the information and determine if the information provided by Mr. Hall is accurate and relevant to the CUP process for this subdivision. As such, RLE has reviewed the documents provided, as well as other GIS, USDA and FEMA data. RLE has also gathered additional information from the design Engineer for the Bethesda Ives Subdivision, Jeffrey D. McCluskey, P.E. of Mc² Engineering, Inc.

Site Description

According to the information submitted, GIS and FEMA data, the subject property is an approximately 51.46 acre vacant parcel of land that drains to an unnamed tributary to Aberdeen Creek on the western property line. The majority of the site has gradual slopes ranging from one to four percent, with approximately 27.51 acres of delineated wetlands present on the western portion of the property adjacent to the unnamed tributary. Approximately 7.4 acres of the site is uplands with slopes ranging from six to eight percent, on average. The elevation of the site range from 336' above Mean Sea Level (MSL) at the western edge of the property to approximately 384' above MSL at Bethesda Road on the eastern edge of the property. According to the FEMA issued Flood Insurance Rate Map (FIRM) number 3710857000J, effective date of October 17, 2006, the site is not located within a 100 year flood plain. The nearest base flood elevation is 332 ft. above MSL. The entire site appears to be above the nearest base flood elevation.

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Proposed Improvements

According to the preliminary subdivision plans submitted to the Town and additional information provided by Mr. Jeffrey D. McCluskey, P.E., of Mc² Engineering, Inc., the developer intends to construct 38 lots on the vacant 51.46 acre parcel. From the preliminary subdivision plans, the developer proposes to have only one wetland crossing/impact which is less than 0.1 ac of disturbance. The proposed wetland impacts will require permitting actions with NCDENR 401 Wetlands Unit and possibly the Army Corps. Of Engineers. This permits will need to be obtained by the developer and a copy provided to the Town at the time of The Site Plan review. Please note that a Stormwater Permit and an Erosion and Sedimentation Control Permit will be necessary for this development. A copy of all calculations should be provided to the Town of Aberdeen for review, prior to approval of The Site Plan.

Per discussions with the design Engineer for the Bethesda Ives Subdivision, Mc² Engineering, Inc., the preliminary sketch plan proposes the following improvements to the site:

Asphalt Roadways	93,800 sf
Concrete Sidewalks	25,200 sf
Small Homes + Driveways	13,800 sf (5 lots)
Larger Homes + Driveways	143,880 sf (33 lots)
*Total Impervious Proposed	276,680 sf / 6.35 acres (12.34%)

****Note: The Total Impervious Area Proposed is preliminary and subject to change during the detailed design and Site Plan Review. This information is not submitted for approval by the developer at this time. However, this information was requested by RLE for the purposes of determining the probably impacts of the development.***

Stormwater Runoff

It is our understanding that, during the public hearing process, a private citizen of Aberdeen has raised a question regarding the suitability of the site for development given the existing soils present and the amount of stormwater run-off generated by the drainage area. The private citizen, Mr. Hall, provided exhibits to the Town Staff for review. As such, the Town Staff has requested that RLE review the documents and determine if they are accurate and relevant. RLE has reviewed the documents provided and has determined that there are some inaccuracies in the information provided, but mostly that the information is incomplete, and thus misleading. It appears that the private citizen was attempting to calculate the total amount of runoff of the entire drainage area. While this is useful information in modeling the pre-development conditions, it does not represent the impact of the proposed improvements. In order to determine the impact of the proposed improvements, it is necessary to perform a Pre vs Post Development Analysis of the subject property and compare the results with the runoff rates for the entire drainage area and the downstream conveyances. The exhibits provided were found to be inaccurate in regards to the delineation of the watershed, watershed length, average slope, time of concentration and curve number. Typically, the drainage area for a project is calculated from the discharge point of the property, not the middle of the property as shown on the citizens exhibit, which most likely contributed to the inaccuracies stated above. RLE has performed a rough calculation of the drainage area from the discharge point of the property, using the digital information available at the time. It appears that the drainage area is approximately 632 acres, instead of the 460 acres delineated by the citizen. It should be noted,

Red Line Engineering, P.C.

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no adjustments have been made for piped conveyances for this rough drainage area delineation. The average slope of the watershed was determined to be approximately 3.36%, not 6% as indicated by Mr. Hall. With regards to the soils, approximately 26% of the drainage area is comprised of Candor Sand Soils (CaC, CaB, Cbc) which belong to the hydrologic soil group A. These soils were not included in Mr. Hall's exhibit, which alters the weighted curve number significantly. With the adjustments stated above, the curve number for the entire watershed was calculated to be 64, not 74 as used by Mr. Hall.

From the total drainage area and site information available, the Time of Concentration (Tc) for the total drainage area was calculated using the Kirpich Equation, along the longest flow length in the drainage area (Please see attached Tc Exhibit). Using the SCS Curve Number Method, the Tc was then used to calculate the anticipated peak runoff rates, for the Pre and Post-Development conditions. (Please see attached Calculations.) A summary of the calculated peak runoff rates for both the Bethesda Ives Subdivision site and the Total Drainage Area is included below:

Bethesda Ives Subdivision Stormwater Peak Run-Off: 51.46 acres (SCS Curve Number Method)

Design Storm	Pre	Post	Proposed
Development	Development	Increase	
Q2	58.84 cfs	75.22 cfs	16.38 cfs (28.60%)
Q10	123.10 cfs	141.49 cfs	18.39 cfs (14.94%)
Q25	167.26 cfs	187.75 cfs	20.49 cfs (12.26%)
Q50	203.71 cfs	226.36 cfs	22.65 cfs (11.12%)
Q100	242.23cfs	266.04 cfs	23.82 cfs (9.83%)

Total Drainage Area Stormwater Peak Run-Off: 632 acres (SCS Curve Number Method)

Design Storm	Pre	Post	Proposed
Development	Development	Increase	
Q2	239.98 cfs	256.36 cfs	16.38 cfs (6.83%)
Q10	609.65 cfs	718.04 cfs	18.39 cfs (2.63%)
Q25	870.22 cfs	890.71 cfs	20.49 cfs (2.35%)
Q50	1,089.04 cfs	1,111.69 cfs	22.65 cfs (2.08%)
Q100	1,338.98 cfs	1,358.80 cfs	23.82 cfs (1.78%)

Red Line Engineering, P.C.

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Soils Discussion

It is our understanding that, the existing soils present, for the proposed Bethesda Ives Subdivision, have been questioned with regards to their suitability for development. During the preliminary sketch or concept plan portion of any project, it is common to review USDA Soils Maps of the parcel to gain a general knowledge of the soils present, their typical characteristics, and to estimate the amount and location of developable land. It is our understanding that the design Engineer, Mc² Engineering, Inc., has performed such an evaluation in their preparation of the Sketch Plan. Red Line Engineering has also reviewed this information with regards to general suitability. While soils maps can provide a general sense of the soils present and their characteristics, we highly recommend having a license Geotechnical Engineer evaluate the soils where the proposed roads and houses will be constructed, prior to Site Plan Approval. Soil Maps are not a substitute for field inspections and soil bores by a Geotechnical Engineer and/or Soil Scientist. The types of soils present on the subject parcel are a mixture of Vaucluse (loamy sand), Bibb (loam), Gilead (loamy sand), Tillery (silt loam). Typically, the Vaucluse loamy sands have a Hydrologic Soils Group (HSG) classification of C. These soils are well draining soils but are typically not great soils for septic systems. The proposed subdivision shall be connected to municipal water and sewer. It should be noted that the areas surrounding this property have been developed for similar residential subdivisions. As such, it can be assumed that the Vaucluse portions should be suitable for similar residential development. However, geotechnical bores would be needed to verify if the soils present are suitable for the proposed improvements. Bibb loam is an undrained type of soil that is often present with wetlands. Bibb loams can have an HSG classification of D or A. Most commonly, the HSG classification of this group is D and is characterized by the presence of wetlands, which makes this soil type typically unsuitable for development. It appears that the proposed development preserves the majority of the wetlands and Bibb soils. The proposed roadway crossing of the Bibb soils and wetlands needs to be properly evaluated by a Geotechnical Engineer prior to Site Plan Approval. Gilead loamy sands are moderately well drained and are marginally suitable for development, but require site specific evaluation. The proposed improvements would have no impact to the small amount of Gilead soils onsite. The Tillery soils present onsite are the most marginal feature impacted by the proposed improvements. Tillery silty loams can have an HSG classification of D or B. There are eleven (11) residential lots proposed for the area with Tillery soils. Given the proximity to Bibb soils with wetlands present, we strongly recommend having an onsite geotechnical evaluation of these soils prior to Site Plan Approval. This area may or may not be suitable for development.

Red Line Engineering, P.C.

"Engineering Relationships"

Summary & Recommendations

According to the information provided by the Town of Aberdeen, Mc² Engineering, Inc., and the available GIS, USDA Soils and FEMA data, it does not appear that the proposed Preliminary Sketch Plan would significantly alter the overall drainage patterns of this drainage area. Even though a significant impact to the total drainage area is not anticipated, based on the information available at the time of our analysis, Red Line Engineering, P.C. recommends the following:

- Prior to Site Plan Approval, the Developer must submit, to the Town of Aberdeen for review and approval, all necessary geotechnical reports and boring logs, signed by a North Carolina Professional Geotechnical Engineer, indicating the suitability of the site for the proposed roads, utilities and houses. These reports should also include design recommendations for the roadway and wetland crossing, stormwater improvements, and utility improvements. Specifically, the area of Tillery soils, with eleven (11) proposed lots, needs to be thoroughly evaluated by a licensed Geotechnical Engineer, regarding their suitability for development.
- Prior to Site Plan Approval, the Developer should obtain and provide the Town of Aberdeen a copy of all applicable NCDENR 401 and ACE wetlands maps and permits.
- Prior to Site Plan Approval, the Developer should submit an hydrologic analysis of the downstream unnamed tributary to Aberdeen Creek to determine if it has sufficient capacity to accept the proposed increase in stormwater runoff. Given the site's proximity to the 100 year flood plain, a flood study, performed by a North Carolina Professional Engineer, is recommended. If the project would adversely affect downstream conveyances, then stormwater BMPs should be installed as part of this project to reduce the post development runoff to the pre development rates.
- Prior to Site Plan Approval, the Developer should obtain all necessary Sedimentation & Erosion Control Permits and Stormwater Permits from NCDENR. The Developer should submit a copy all Erosion Control and Stormwater Calculations to the Town of Aberdeen for review and approval. Prior to Site Plan Approval, the Developer must prove to the Town of Aberdeen's satisfaction that all existing and proposed stormwater conveyances on the Bethesda Ives property discharge at non-erosive velocities, with diffused flow. If they do not, then stormwater BMPs shall be required, to ensure diffused flow at non-erosive velocities.

Upon receipt of this document, if you have any further questions or if we can be of any further assistance, please do not hesitate to call. As always, it is a pleasure serving the Town of Aberdeen.

Regards,

Gary J. McCabe, P.E.
Red Line Engineering, P.C.



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To: Aberdeen Town Mayor and Commissioners
Mayor Robert Farrell
Commissioner Jim Thomas
Commissioner Joe Dannelley
Commissioner Pat Ann McMurray
Commissioner Buck Mims
Commissioner Eleese Goodwin

From: Concerned Aberdeen citizens
Re: Bethesda Ives LLC proposal
Date: August 27, 2015

The proposed 38 home development by Bethesda Ives LLC poses many concerns and these are a few of those concerns:

--A request for sidewalks to be eliminated in several areas of the proposed development. Lots # 1, 2, 3, 4, 5 on Ives Dr. cul-de-sac do not have any sidewalks designated. This proposal includes no sidewalks on the NE side of road C (lots # 6, 7, 8, 9, 10, 11), no sidewalks on SW side of road C (lots # 12, 13, 14), no sidewalks on SE side of road B (lots # 14, 15), no sidewalks on NE side of road A (lots # 18, 19, 20) no sidewalks on N. side of road A between lots 17 - 38. This request is out of compliance with UDO.

--Variances have been requested to include changes to side lot lines and lot size for 16 of the 38 proposed lots related to wetland boundaries, which is 42% of all proposed lots. These changes will affect required minimum set backs and will affect zoning. A petition signed by adjacent property owners protesting rezoning was submitted to the town board on June 22, 2015.

--Bethesda Ives LLC proposes removing brush and small saplings to create a 8 foot wide natural walking trail, the majority of this trail lies in wetlands. The installation, maintenance and upkeep of these trails will be effected by NC Dept of Environment and Natural Resources (NCDENR) restrictions on disturbing wetlands with mechanical or power equipment.

--Safety issue, a pond is located on private property lot #27 on western side of development near intersection of proposed road A & road B. If dam is breached and the only road A in and out of subdivision is washed out, what are the evacuation / emergency plans?

-----see attached sheets for signatures

Signatures of concerned residents re: Bethesda Ives LLC:

Name:	Address:
<u>Paul W. Johnson</u>	<u>717 GARDEN RD. ABERDEEN, NC</u>
<u>Jacqueline Pottruff</u>	<u>717 Garden Rd Aberdeen, NC</u>
<u>Latana Bell</u>	<u>702 Ives Dr Aberdeen, NC</u>
<u>Darryl Caswell</u>	<u>702 IVES DR ABERDEEN, NC</u>
<u>Blaine</u>	<u>608 E. Ives Dr Aberdeen NC</u>
<u>Pauline A Berke</u>	<u>608 EL Ives Dr, Aberdeen NC</u>
<u>Jaduna Martin</u>	<u>606 EL Ives Drive, Aberdeen NC</u>
<u>[Signature]</u>	<u>606 EL Ives Drive Aberdeen, NC</u>
<u>Elizabeth Martin</u>	<u>606 EL Ives Drive Aberdeen, NC</u>
<u>Jerry Cochard</u>	<u>605 E.L. IVES DR, ABERDEEN NC</u>
<u>Jeffrey Frank</u>	<u>603 EL Ives Dr. ABERDEEN NC</u>
<u>Thomas Shly</u>	<u>610 E.L. IVES DR. ABERDEEN, N.C</u>
<u>Ken Morgan</u>	<u>613 EL Ives Dr Aberdeen NC</u>
<u>Sammy Kerton</u>	<u>701 EL Ives Dr Aberdeen NC</u>
<u>Hara Stockham</u>	<u>703 EL Ives Dr Aberdeen NC</u>
<u>[Signature]</u>	<u>703 EL Ives Dr</u>
<u>CHW SE</u>	<u>609 EL Ives Dr</u>

Signatures of concerned residents re: Bethesda Ives LLC:

Name:

Address:

Mary F. Capstaff, 705 Ives Dr, Aberdeen, N.C.
 Elizabeth Capstaff 108 W Maple St, Aberdeen, NC
 Steven A. Schreider 108 W Maple St., Aberdeen, NC
 Mr & Mrs Kenneth Book 805 E.L. Ives Dr. Aberdeen ^{NC}
 Mike & Anna Harris 607 EL Ives Dr. Aberdeen NC
 Deb Dreyer 601 EL Ives Dr Aberdeen NC
 Robert Keaton 701 EL Ives Dr Aberdeen NC
 Elyse Melbourne 611 EL Ives Dr. Aberdeen, NC
 Pam Morgan 613 E.L. Ives Dr. Aberdeen NC
 Greg Althouse 611 EL Ives Dr Aberdeen
 Bryan Beales 700 EL IVES DR ABERDEEN, NC
 Gemma Beales 700 EL Ives Dr. Aberdeen, NC
 Debbie Faircloth 1125 Bethesda Rd Aberdeen, NC
 Eliza J. J. 1125 BETHESDA RD ABERDEEN, NC
 Mrs. Rhea G. Hughes 1125 Bethesda Rd Aberdeen NC
 William E. Jr 1101 Bethesda Rd. Aberdeen, NC

From: Pam Graham
To: "[Buck Mims](#)"; "[Elease Goodwin](#)"; "[Jim Thomas](#)"; "[Joe Dannelley](#)"; "[Pat Ann McMurray](#)"; "[Robert Farrell](#)"
Cc: [Bill Zell](#); "[TC Morphis](#)"
Subject: Concerned Aberdeen Citizens letter
Date: Wednesday, September 02, 2015 12:21:00 PM
Attachments: [Caddell letter_9-1-15.pdf](#)
[SP1 0 5-29-15.pdf](#)

Good Morning All,

I received a letter with an attached list of signatures yesterday regarding the Bethesda Ives LLC subdivision proposal and it appears that copies were also sent to all of you. A scanned copy is attached for reference, as is a copy of the proposed plan.

For clarification purposes, I provide the following response to the concerns addressed in the letter:

1. The first paragraph references the requested relief from sidewalks required on both sides of the roads in specific areas of the subdivision, with the final statement that the request is out of compliance with the UDO. This issue is addressed in the staff report provided to the Board for the 8/24 meeting, as follows, and explains that the UDO does provide the ability to apply flexibility in requirements where "extraordinary circumstances" exist. Staff has determined that the presence of wetlands presents an extraordinary circumstance and has recommended that areas of roadway that are adjacent to wetlands be considered for a reduction in the sidewalk requirement. Furthermore, no sidewalks currently exist on E L Ives Drive and the town has no plans to retrofit the existing roadway with sidewalks. Staff has determined that sidewalks for the proposed extension of E L Ives Drive to create a cul-de-sac "bulb" would unnecessarily add impervious surface and would not be in keeping with the existing roadway. We have recommended that the proposed bulb not include a sidewalk.

The applicant has requested relief from the requirement that sidewalks be installed on both sides of all roads in the development, as stated on the plan "in an effort to be low impact and to help with meeting the green growth criteria that in certain areas sidewalk would only be installed on one side of the street with proposed lots and that in areas without houses abutting the road sidewalk wouldn't be installed. Areas that developer requests sidewalk not be installed between lots 17-38 (approximately 940 lf); lots 6-12 (approximately 750 lf)". The UDO provides for some flexibility to the Board's decisions on conditional and special use permits in §152-60(B), which states: "The permit-issuing board may not attach additional conditions that modify or alter the specific requirements set forth in this chapter unless the development in question presents extraordinary circumstances that justify the variation from the specified requirements." The extensive presence of wetlands on the site does present extraordinary circumstances, and the request for sidewalk relief is limited to areas where the road abuts wetlands and no building lots are located, as well as along properties that are outside of the development boundary.

2. The second paragraph states that variances have been requested to adjust lot

lines related to wetland boundaries. There have, in fact, been no requests for variances. Variances are a separate procedure that go before our Board of Adjustment. The request for lot line adjustments came from staff in an effort to remove wetlands from individual lot boundaries where doing so would not make the lot unbuildable. By “unbuildable”, we mean that the lot would still meet or exceed the dimensional requirements for the zoning district. Language to this effect can be found on page 4 of the 8/24 staff report, as well as in Recommended Condition #9. Staff’s experience with previous developments where wetlands have been incorporated into lot lines has led us to conclude that the sensitive land is better protected when this does not occur, and conflicts with property owners over subsequent requests (such as swimming pools, fences or sheds) are lessened. I intend to clarify the use of the term “unbuildable” in the staff report for the 9/14 meeting.

Additionally, there is no rezoning request or issue with the current R20-16 zoning of the property as a result of this proposal. The proposal will be required to meet or exceed the dimensional requirements for R20-16 zoning. Staff has, in addition to the suggested adjustment of lot lines, also recommended that setback lines on lots where wetlands may still be present be adjusted to coincide with the wetland line (keeping in mind that staff is not asking that wetlands be removed from lots when it would make the lot unbuildable). Compliance with this recommended requirement would have the effect of increasing the setback area, rather than reducing it. While the letter states correctly that the “changes will affect required minimum set backs” the result will be setbacks that exceed the UDO requirements rather than be below the minimum.

3. Paragraph 3: Staff is currently unaware of any proposal that would require the removal of brush and saplings to create the proposed walking trail for the development. While some initial clearing may be required to install a usable trail, we would expect it to be very minimal due to the fact that the vast majority of the trail route follows the sewer easement, which is currently maintained through mowing by our Public Works Department. Jurisdictional wetlands such as those on this site are regulated by the Army Corps of Engineers (as opposed to NCDENR) and any clearing beyond that which can be done by hand must be approved by that entity.
4. Finally, a small pond does exist on property owned by Rodney Tyner, located adjacent to the development. Any potential impacts from the pond, approximately 70 x 100 feet in size, will be considered when engineered drainage calculations are presented to staff during site plan review, pending approval of the conditional use permit by the Board. Our Fire Inspector has stated that he will require assurance from the engineers for the project that the development will be accessible to emergency vehicles during storm events.

If there are any questions or need for discussion please contact me. You will see

some new information in the next staff report, including a review by our consulting engineer regarding the stormwater concerns brought to us earlier and shared during the public hearing by Mr. Jerry Hall. I will include all new information in **bold type** to make it more recognizable.

Pamela Graham, RLA, AICP, CZO
Planning Director, Town of Aberdeen
115 North Poplar Street
PO Box 785
Aberdeen, NC 28315
(910) 944-7024



Aberdeen

This document is to confirm the **right of first refusal** agreement made between Bethesda Cemetery Association, Inc. and Doris T. McPhaul and Theresa T. Hall, owners of 28+ acres of property located on the west side of Bethesda Road and bordering the west and south sides of the Old Bethesda Cemetery.

On July 11, 1999 at 11AM our respective spouses, John McPhaul and Jerry Hall, met with three members of the Bethesda Cemetery Association, Inc., on our behalf. This meeting was requested by the cemetery association in regards to the possible purchase of this property. At that time we had no desire to sell the property at the offered price. However, at their request, we granted a verbal **right of first refusal** to the association should we receive an acceptable offer to purchase or decide to sell the property.

Doris T. McPhaul Doris T. McPhaul

Theresa T. Hall Theresa T. Hall

MOORE County, NORTH CAROLINA

I CERTIFY THAT THE FOLLOWING PERSONS PERSONALLY APPEARED BEFORE ME THIS DAY, EACH ACKNOWLEDGING TO ME THAT HE OR SHE SIGNED THE FOREGOING DOCUMENT: DORIS T. MCPHAUL, THERESA T. HALL

DATE: AUGUST 26, 2015



Lisa Davis
LISA DAVIS NOTARY PUBLIC
My commission expires: APRIL 21, 2019

Planning Department
Town of Aberdeen N. C.

This statement is intended to clarify our position concerning the proposed stub road planned for the Bethesda Ives LLC development plan leading to a 28 acre undeveloped parcel owned by the Troutman HRS. This parcel has passed through three generations of the Troutman family and has never been offered for sell, nor do we have any plans to sell in the near future.

Our family has never been approached by Bethesda Ives LLC to purchase our property for future development. Therefore we believe the said road was planned only to meet the requirements needed for plan approval. Our family is committed to the Bethesda Cemetery Association for first right of refusal should we decide to sell our property, or receive an offer to purchase that generates an interest in selling the property.

X Doris T. McPhaul

Doris T McPhaul Owner

X Theresa T. Hall

Theresa T Hall Owner

DECISION OF THE TOWN OF ABERDEEN BOARD OF COMMISSIONERS

Case Number: Conditional Use Permit CU #15-03

Hearing: The Town of Aberdeen conducted a Public Hearing on June 22, 2015 to consider Conditional Use Permit application CU #15-03 as submitted by Bethesda Ives, LLC to allow a major subdivision on property including all or part of PID #00054112, located west of Bethesda Road, and continued the hearing until August 10, 2015 and again until August 24, 2015. At the request of the applicant, the Public Hearing was again continued until the September 14, 2015 meeting.

FINDINGS OF FACT

1. Bethesda Ives, LLC is the owner of record of property identified as PID #00054112.
2. On May 7, 2015, Tammy Lyne, on behalf of Bethesda Ives, LLC (APPLICANT) submitted an application for a Conditional Use Permit to develop a major subdivision on said property. The application was determined to be complete by staff.
3. On May 21, 2015 the Town of Aberdeen Planning Board voted unanimously to recommend approval with conditions of the conditional use permit application to the Town of Aberdeen Board of Commissioners.
4. The property was posted and parties duly noticed.
5. The proposed site details are as follows:

Zoning	R20-16 (Low Density Residential)
Adjacent Zoning	North: R20-16 East: R20-16 South: R20-16, I-H (Heavy Industrial) West: R10-10
Watershed	Property is not located in a protected watershed
Floodplain	N/A
Existing Use in Vicinity Project Area	Low density residential, railroad related activities
Existing Use on Property	Vacant

6. Major Subdivisions are permitted in the R20-16 Zoning District; The Unified Development Ordinance requires that such uses obtain a conditional use permit.
7. The applicant proposes a thirty-eight (38) lot subdivision on a vacant tract comprising 51.46 acres.
8. On June 22, 2015 the Board of Commissioners held a public hearing on the conditional use permit application. The hearing was continued until August 10, 2015 where it was further continued without hearing new evidence until August 24, 2015. The applicant requested an additional continuation until the September 14, 2015 meeting and the public hearing was continued without hearing new evidence until September 14, 2015. The applicant was present on June 22, 2015 to address the Board and respond to questions.

DRAFT - APPROVAL

9. Planning Director Pamela Graham presented the proposal and staff report which were entered into the record.
10. If constructed in accordance with the proposal submitted and in compliance with the Town's Ordinances and Codes, the establishment, maintenance, or operation of the subdivision will not materially endanger the public health or safety, will not substantially injure the value of adjoining or abutting property, and will be in harmony with the area in which it is to be located.
11. If constructed in accordance with the proposal submitted and in compliance with the Town's Ordinances and Codes, the subdivision will be in general conformity with the 2030 Land Development Plan Future Land Use Map's designation of the project area for residential uses.
12. That the conditional use shall, in all other respects, conform to the applicable regulations of the R20-16 Zoning District in which it is to be located, except as such regulations may be modified by the Board of Commissioners pursuant to the recommendation of the Planning Board.

CONCLUSIONS OF LAW

1. Aberdeen Unified Development Ordinance §152-60 provides for the ability of the Board of Commissioners to attach such reasonable requirements as to ensure that the development meets the following standards for Special Use and Conditional Use Permits:
 - Will not endanger the public health or safety,
 - Will not injure the value of adjoining or abutting property,
 - Will be in harmony with the area in which it is located, and
 - Will be in general conformity with the land-use plan, thoroughfare plan, or other plan officially adopted by the Town Board.
2. That the Town of Aberdeen Board of Commissioners has jurisdiction over the persons and subject matter in this action and that the parties are properly before this Board.
3. That the applicant, Bethesda Ives, LLC, has satisfied all of the requisite standards pursuant to the Town of Aberdeen Unified Development Ordinance subject to conditions.

DECISION

Based on these Findings of Fact and Conclusions of Law, the application for Conditional Use Permit CU #15-03 is approved subject to the following conditions.

- a. Conditional Use Permits (CUPs) run with the land and as such CU #15-03 applies to the entirety of the property reflected in Parcel ID #00054112. An amendment to the CUP is needed to remove property from the CUP or to make changes to the CUP. If an activity is a use by right, it is not subject to the CUP.
- b. The proposed use is authorized by the CUP, however, approval of CU #15-03 is contingent on a successful inter-departmental review to insure that the development has met all Federal, State and local regulations and permitting requirements, as well as any conditions attached to the CUP approval. Plans

- submitted for this review shall include, but not be limited to, tree survey indicating all trees with a dbh of 12" or greater, utility locations including size, material, and vertical alignment of waterlines, engineering calculations assuring that proposed stormwater measures meet or exceed the requirements of Article XVI, Part 2, Drainage, Erosion Control and Stormwater Management of the UDO.
- c. Any and all required permits and/or approvals from other regulatory agencies must be in place prior to issuance of a Notice to Proceed by the Planning Department.
 - d. The development is authorized to create a maximum of thirty-eight (38) single family lots and construction documents generally based on the Site Sketch Plan with a revision date of 5/29/15.
 - e. Open Space shall generally comply with the 5/29/2015 Site Sketch Plan and Pedestrian Plan, including proposed improvements, and in no case may be reduced to less than 20% of the total land area for the development. Prior to approval of the Final Plat for the subdivision, the developer shall establish a Homeowners' Association with covenants to include a policy for maintenance of the open space, including any improvements such as walking trails. A copy of the covenants shall be provided to staff for review and record-keeping.
 - f. Tree harvest and mass grading are not authorized as a result of this approval. Construction documents, including a grading plan, shall be reviewed by staff for compliance with the UDO.
 - g. In accordance with §152-60(B) of the UDO, the Board determines that the development presents extraordinary circumstances that warrant relief from strict adherence to sidewalk requirements. The applicant is to provide sidewalks and natural walking trails as indicated on the Pedestrian Plan submitted with a revision date of 5/29/2015.
 - h. The applicant shall supply Planning staff with an assessment from the US Fish and Wildlife Agency with regards to Red Cockaded Woodpecker, or other protected species, activities on the property prior to site disturbance. Evidence of such activities authorizes staff to require amendments to the plan to minimize impacts.
 - i. Approval of CU #15-03 is contingent upon a revised site layout plan that shows all rear and/or side lot lines that encroach into the wetlands have been altered to coincide with the wetland boundary when doing so would not make the lot unbuildable. At a minimum, lots 1, 6, 12, 29, 30, 31, 32, 33, 34, 35, and 36 shall be adjusted to meet this condition unless the applicant can provide evidence to staff that the lot will be rendered unbuildable by doing so. Additionally, setback lines on lots 5, 17, 27, 28, 37, and 38 are to be adjusted to coincide with the wetland boundary where doing so will increase the setback area rather than lessen it. Buildability in this instance refers strictly to the lot's ability to meet the dimensional standards required for the district.
 - j. Streets, sidewalks, waterlines, and sewer and stormwater facilities shall meet all UDO requirements and are to be dedicated to the Town of Aberdeen contingent upon inspection and approval by the Aberdeen Public Works Department. Preliminary and Final Plats shall identify any and all Town easements related to these

facilities. Details shall be reviewed by staff during the Site Plan Review process following approval of the conditional use permit.

- k. The Aberdeen Fire Department must sign off on the drawings as well as available capacity for treating fires. Hydrants are required consistent with Fire Department spacing requirements. Adequate turning radius must be provided for the fire trucks currently in use.
- l. Prior to approval of final plat(s), all infrastructure must be complete or guaranteed per UDO requirements, including sidewalks.
- m. Street trees shall be installed prior to final plat approval or as a requirement of the building permit for each lot and shall be consistent with official species list provided in §98.03 of the Aberdeen Code of Ordinances or with "Trees of the Carolinas" (Appendix J of the UDO) and planted at the appropriate rate. Compliance with street tree requirements will be reviewed by staff and staff is authorized to verify compliance prior to issuing a certificate of occupancy for each lot.
- n. Sharrows and marked crosswalks shall be installed or guaranteed prior to final plat approval consistent with the requirements of the Aberdeen Comprehensive Pedestrian and Bicycle Plans.
- o. All additional conditions or requirements as provided in the Town of Aberdeen Unified Development Ordinance are enforceable with regards to the proposal approved by CU #15-03.
- p. Approval of CU #15-03 is contingent on evaluation of soils by a NC licensed Geotechnical Engineer or Soil Scientist where the proposed roads, houses, and utilities will be constructed prior to Site Plan approval. Staff is authorized to require amendments to the plan to accommodate/remedy any evidence of soils unsuitable for building determined by the evaluation. The evaluation shall also include design recommendations for the roadway, wetland crossing, and stormwater and utility improvements.
- q. Approval of CU #15-03 is contingent on a hydrologic analysis performed by a NC licensed engineer of the downstream unnamed tributary to Aberdeen Creek to determine if it has sufficient capacity to accept the proposed increase in stormwater runoff as a result of the subdivision proposed by CU #15-03.

DRAFT - APPROVAL

The foregoing Findings on motion of Commissioner _____, seconded by
Commissioner _____, is adopted this _____ day of _____, 2015.

Ayes: _____

Nos: _____

Absent or Excused: _____

Dated: _____

Robert A. Farrell, Mayor

ATTEST:

Regina M. Rosy, Town Clerk

DECISION OF THE TOWN OF ABERDEEN BOARD OF COMMISSIONERS

Case Number: Conditional Use Permit CU #15-03

Hearing: The Town of Aberdeen conducted a Public Hearing on June 22, 2015 to consider Conditional Use Permit application CU #15-03 as submitted by Bethesda Ives, LLC to allow a major subdivision on property including all or part of PID #00054112, located west of Bethesda Road, and continued the hearing until August 10, 2015 and again until August 24, 2015. At the request of the applicant, the Public Hearing was again continued until the September 14, 2015 meeting.

FINDINGS OF FACT

1. Bethesda Ives, LLC is the owner of record of property identified as PID #00054112.
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3. On May 21, 2015 the Town of Aberdeen Planning Board voted unanimously to recommend approval with conditions of the conditional use permit application to the Town of Aberdeen Board of Commissioners.
4. The property was posted and parties duly noticed.
5. The proposed site details are as follows:

Zoning	R20-16 (Low Density Residential)
Adjacent Zoning	North: R20-16 East: R20-16 South: R20-16, I-H (Heavy Industrial) West: R10-10
Watershed	Property is not located in a protected watershed
Floodplain	N/A
Existing Use in Vicinity Project Area	Low density residential, railroad related activities
Existing Use on Property	Vacant

6. Major Subdivisions are permitted in the R20-16 Zoning District; The Unified Development Ordinance requires that such uses obtain a conditional use permit.
7. The applicant proposes a thirty-eight (38) lot subdivision on a vacant tract comprising 51.46 acres.
8. On June 22, 2015 the Board of Commissioners held a public hearing on the conditional use permit application. The hearing was continued until August 10, 2015 where it was further continued without hearing new evidence until August 24, 2015. The applicant requested an additional continuation until the September 14, 2015 meeting and the public hearing was continued without hearing new evidence until September 14, 2015. The applicant was present on June 22, 2015 to address the Board and respond to questions.

9. Planning Director Pamela Graham presented the proposal and staff report which were entered into the record.
10. If constructed in accordance with the proposal submitted and in compliance with the Town's Ordinances and Codes, the establishment, maintenance, or operation of the subdivision will not materially endanger the public health or safety, will not substantially injure the value of adjoining or abutting property, and will be in harmony with the area in which it is to be located.
11. If constructed in accordance with the proposal submitted the subdivision will be in general conformity with the 2030 Land Development Plan Future Land Use Map's designation of the project area for residential uses.
12. §152-218 of the UDO requires that all permanent dead end streets be developed as cul-de-sacs, that except where no other practicable alternative is available such streets may not extend more than 500 feet, and in no case shall they be permitted to be over 900 feet.
13. If constructed in accordance with the proposal submitted, proposed cul-de-sac Road "A" measures 899 feet from the nearest connection (proposed stubout Road "D").
14. §152-214 of the UDO states that subdivision streets shall be coordinated with existing, proposed, and anticipated streets outside the subdivision, and that, in meeting this requirement, the street right-of-way within the subdivision shall be extended and the street developed to the property line of the subdivided property at a point where the connection to the anticipated or proposed street is expected.
15. The Town Board has determined that there are no existing, proposed or anticipated streets outside of the subdivision that will make the connection to the proposed stubout Road "D". The Town Board further finds that proposed stubout Road "D" is not required or necessary, and that it is not a valid point of linear measurement for proposed cul-de-sac Road "D".
16. The Town Board finds that the linear measurement of proposed cul-de-sac Road "D" will exceed the 900 foot maximum allowed for cul-de-sacs by the UDO and that the proposal is thereby not in compliance with this requirement.

CONCLUSIONS OF LAW

1. Aberdeen Unified Development Ordinance §152-60 provides for the ability of the Board of Commissioners to attach such reasonable requirements as to ensure that the development meets the following standards for Special Use and Conditional Use Permits:
 - Will not endanger the public health or safety,
 - Will not injure the value of adjoining or abutting property,
 - Will be in harmony with the area in which it is located, and
 - Will be in general conformity with the land-use plan, thoroughfare plan, or other plan officially adopted by the Town Board.
2. That the Town of Aberdeen Board of Commissioners has jurisdiction over the persons and subject matter in this action and that the parties are properly before this Board.
3. That the applicant, Bethesda Ives, LLC, has not satisfied all of the requisite standards pursuant to the Town of Aberdeen Unified Development Ordinance, specifically:

DRAFT - DENIAL

- a. §152-218(C) requirement that all permanent dead-end streets shall be developed as cul-de-sacs, that except where no other practicable alternative is available, such streets may not extend more than 500 feet, and that in no case shall such streets be permitted to be over 900 feet.

DECISION

Based on these Findings of Fact and Conclusions of Law, the application for Conditional Use Permit CU #15-03 is denied.

The foregoing Findings on motion of Commissioner _____, seconded by Commissioner _____, is adopted this _____ day of _____, 2015.

Ayes: _____

Nos: _____

Absent or Excused: _____

Dated: _____

Robert A. Farrell, Mayor

ATTEST:

Regina M. Rosy, Town Clerk



TOWN OF ABERDEEN AGENDA ITEM ACTION REQUEST FORM

This form must be completed and attached to all supporting documentation for items to be included on the Town of Aberdeen Board agenda. One (1) form per agenda item.

Submitted By: Adam Crocker Department: Parks and Recreation

Contact Phone # 944-7275 Date Submitted: 9/1/15

Agenda Item Title: Special Event Request

Work Session - Board Action (date of meeting should be filled in on line) :
Information Only _____
Public Hearing _____
Approval at work session - immediate action 9/14/15

Regular Board Meeting - Board Action (date of meeting should be filled in on line):
New Business _____ Information Only _____
Old Business _____ Consent Agenda _____
Public Hearing _____ Informal Discussion & Public Comment _____
Other Business _____

Summary of Information:
Aberdeen Elementary School has submitted a Special Event Permit request, which requires closing of roads.

Special requests (i.e. Needs to be first on the agenda due to schedule of guest, etc.):

Permit #:

Special Events Permit Application

Name of the Event A The Tiger ^{5K+} Fun Run
Event Organizer (sponsor) Lisa Carriker Contact Person Lisa Carriker
Address 910 Devonshire Trl, Aberdeen Email carrikerlisa@gmail.com
Day Phone 215-6884 Cell Phone 215-6884
Date(s) of Event Oct 31st Rain Date _____
Purpose of Event To raise money for Aberdeen Elementary
Location of Event AES + Aberdeen Lake Park Projected Attendance 100+ (Hopefully)
Are you requesting Town of Aberdeen co-sponsorship? Yes _____ No (See Page 10)
Will a Town park be utilized or accessed during this event? Yes No _____
Will Aberdeen Police Officers be needed? Yes No _____ (See Page 8, Section 9)
Are sales/vendors being planned? Yes No (See Page 8, Section 8)
Are fireworks planned for the event? Yes _____ No
Will amplified sound be used for the event? Yes No _____ (See Page 8, Section 6) Band
Does this event seek to include the sale, distribution, possession, or consumption of alcoholic beverages on public property? Yes _____ No (See Page 8, Section 9)

Event Description:

A site map must be included with the application showing streets to be closed, tent placement, parade/run/walk routes or other similar activities.

Describe type, size and area of event (include, stages, entertainment, etc.) ~~_____~~
band,

Time event will begin: 8:00 AM Time event will end: 12:00 PM

Set up will begin: 6:30 AM Clean up/Take-down will end: 1:00 PM

NOTE: All events must end prior to 6:00 pm unless the Director of the Parks and Recreation Department gives permission for extended hours.

Safety and Security:

What types of arrangements have been made for medical assistance if needed? (See Page 6, Section 1): _____
School Nurse + Fire Dept.

Explain provisions made or needed for crowd, traffic control and/or police personnel. (See Page 6 Section 1) _____
School Resource Officers

Instructions to Apply for an Outdoor Special Event

1. Read this information guide thoroughly.
2. Complete the Town of Aberdeen Application for Outdoor Special Events on pages 3 & 4.
3. On a separate piece of paper draw a site map showing tent placement, parade/run routes or other similar events or activities. Include your site map with the Special Events Permit Application.
4. If your event requires other permits as indicated by the Event Guide complete the necessary forms and include them with any applicable fees along with the Events Application form.
5. Return the application with a \$50 non-refundable processing fee to the Aberdeen Parks and Recreation Department, 301 Lake Park Crossing, PO Box 785, Aberdeen, NC 28315.
6. All applications and related forms must be returned no later than 30 days prior to the event.
7. Parks and Recreation staff will distribute copies of your application to the affected Town Departments for review. After review, your application will be either approved or rejected. Results will be provided in writing. Payment of fees is required prior to issue of permit.

(Note: If this is a large scale, major event, as determined by the Parks and Recreation Department, this application package must be completed in accordance with the festival and special events policy.)

If you have any questions or need help completing the applications, contact the Aberdeen Parks and Recreation Department at (910) 944-7275.

Event Setup:

Will tents be used for the event? Yes _____ No (Sec Page 9, Section 10)

If yes, please list number, size and type of tents: _____

Will banners or signs be used at the event? Yes No _____ (Sec Page 9, Section 11)

Please describe any electrical needs and location of power source: Need power for Band

Will additional electrical work be required than already exists at event location? Yes _____ No (See Page 8, Section 4)

If yes, please provide licensed N.C. electrical contractors name & phone: _____

Are food vendors being planned? Yes _____ No (See Page 8, Sections 7 & 8)

If yes, please describe food items to be distributed or sold at event: We do plan to sell hot dogs, snow cones, + popcorn

Will there be any cooking with grease? Yes _____ No (See Page 7, Section 2 & Page 8, Section 7)

Will an open flame be used for cooking? Yes _____ No (See Page 9, Section 10)

Please describe sanitation provisions, restroom facilities, trash cans, event clean-up. (See Page 8 Section 5)

Will need Aberdeen Parks + Rec Restrooms, trash cans +
We will clean up after
Who is providing for the needs set forth above? Aberdeen Elementary School Parents + Volunteers

Please sign/date application and indemnity form, and return to the Aberdeen Parks and Recreation Department, 301 Lake Park Crossing, PO Box 785, Aberdeen, NC 28315. Please include a \$50 non-refundable processing fee.

Town of Aberdeen
Release and Indemnity Agreement for Facility Use

WHEREAS, the undersigned has requested the use of services, equipment, facilities belonging to or under the auspices of the Town of Aberdeen, North Carolina, and do engage in activities for the exclusive benefit of the undersigned; and

It is expressly agreed and understood that this RELEASE AND INDEMNITY Agreement shall apply for the express purpose of precluding forever all claims, suits, demands, damages, and causes of action that I or my heirs, next of kin, executors, administrators, estate, agents and assigns and representatives of any nature whatsoever might otherwise assert against any of the Town of Aberdeen, its agents elected and appointed officials, employees and volunteers as a result of my use of Town of Aberdeen Property.

NOW, THEREFORE, In consideration of the mutual promises or other good and valuable consideration, the undersigned does hereby for himself, his heirs, executor, employers, successors of himself or of his employees, administrators, and personal representatives, I understand and agree to the following:

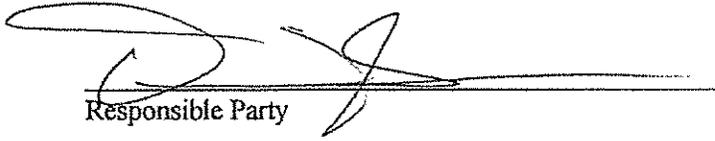
I, Dante Podot (name of renter/event manager/company official) assume full responsibility for my death or injuries, both to my person and to my property, whether foreseeable or not, which may occur directly or indirectly or develop at anytime in the future as a result of the use of the _____ (facility).

I, Dante Podot (name of renter/event manager/company official) assume all responsibility for each individual during the rental/event/use of the _____ (facility) on the _____ day of _____.

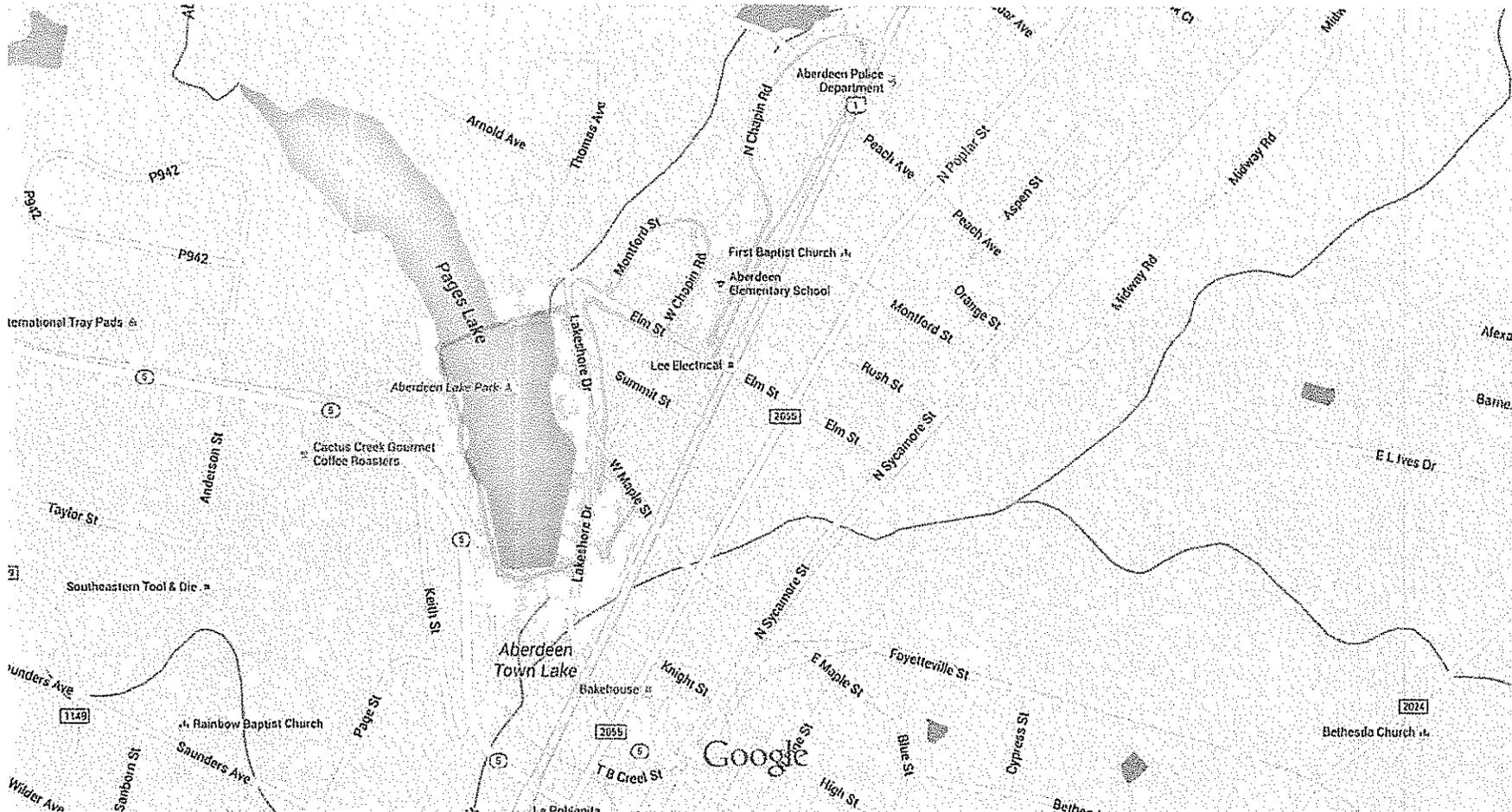
I do hereby fully and forever release, discharge and hold harmless the Town of Aberdeen, its agents, elected and appointed officials, employees and volunteers from any and all claims, suits, demands, damages and causes of action, present or future, foreseeable or unforeseeable resulting from or arising out of the above described activity, rental or use by the renter/event manager/company official or by any third parties.

I do further agree to defend and indemnify the Town of Aberdeen for any costs, damages, losses penalties, settlement costs, charges, professional fees or other expenses or liabilities of every kind incurred as a result of any personal injury or property damage resulting from or arising out of the above described activity, rental or use, such costs to include reasonable attorneys fees.

I, Dante Podot (name of renter/event manager/company official) hereby declare that the terms of this Release and Indemnity Agreement have been explained to me and all of my questions have been answered (if any), fully read and understood by me, and freely and voluntarily entered into and accepted by me, and I hereby acknowledge receipt of a copy of this agreement. This agreement shall be in full force and effect any time after the execution thereof.


Responsible Party

8-28-15
Date



1. Begin Race in front of Parks & Rec.
2. Then from Parking lot to W. Maple St.
3. Merging onto Lakeshore Dr.
4. Left to go around Lake
5. To come back around on Lakeshore Dr.
6. Rt. on Elm St.
7. Left on Montford which circles around to West Chapin Rd.
8. Left on Elm St.
9. Left to last entrance to AES
10. Go all the way through Garden → through gate
- 11 - onto N. Chestnut } circle
- 12 Left onto N. Chapin
13. Back to Garden Gate through Parking lot
14. Right on Elm
15. Left on Lakeshore to finish or can finish in front



**TOWN OF ABERDEEN
AGENDA ITEM ACTION REQUEST FORM**

This form must be completed and attached to all supporting documentation for items to be included on the Town of Aberdeen Board agenda. One (1) form per agenda item.

Submitted By: P Graham **Department:** Planning

Contact Phone # 4517 **Date Submitted:** 9/2/15

Agenda Item Title: UDO Text Amendments # 15-03, 15-07, 15-05, 15-06, 15-12, 15-09, and 15-10

Date of Board Meeting to hear this item: 9/14/15

Board Action Requested:

New Business	<input type="checkbox"/>	Information Only	<input type="checkbox"/>	
Old Business	<input type="checkbox"/>	For Action at Future Meeting	<input checked="" type="checkbox"/>	Date <u>9/28/15</u>
Public Hearing	<input type="checkbox"/>	Informal Discussion & Public Comment	<input type="checkbox"/>	
Other Business	<input type="checkbox"/>	Consent Agenda	<input type="checkbox"/>	

Summary of Information:

Schedule the following UDO Text Amendments for Public Hearing on 9/28/15. The Town Attorney has prepared a summary (enclosed).

- UDO #15-03 Regarding Administrative Mechanisms (required by NCGS),
- UDO #15-07 Regarding Appeals (required by NCGS),
- UDO #15-05 Regarding Hearing Procedures (required by NCGS),
- UDO #15-06 Regarding Permits and Plats (required by NCGS),
- UDO #15-12 Regarding Variances (required by NCGS),
- UDO #15-09 Regarding Permissible Uses (required by NCGS),
- UDO #15-10 Regarding Special Exceptions (discretionary).

Special requests (i.e. Needs to be first on the agenda due to schedule of guest, etc.):

MEMORANDUM

To: The Aberdeen Board of Commissioners

CC: Bill Zell, Town Manager; Pamela Graham, Aberdeen Planning Director

From: T.C. Morphis and Al Benshoff, Town Attorney's Office

Date: September 4, 2015

The Town staff has prepared a number of proposed ordinance amendments, some of which were mandated by recent changes to state law, and one that has been prepared in response to a recent court decision. This memorandum provides an overview of why each amendment has been proposed.

Non-Discretionary Amendments

- UDO Article III (Administrative Mechanisms)
- UDO Article V (Appeals, Variances, Special Exceptions and Interpretations)
- UDO Article VI (Hearing Procedures)
- UDO Article IV (Permits and Plat Approvals)
- Variances (Variances)

Amendments With Some Discretion

- Section 152-149, "Permissible Uses and Specific Exclusions" (Permissible Uses)

Entirely Discretionary Amendments

- Special Exceptions (Special Exceptions)

Non-Discretionary Amendments

UDO Article III (Administrative Mechanisms)

In 2013, the General Assembly modernized G.S. § 160A-388, which has traditionally governed matters before boards of adjustment. The statute updates board of adjustment procedures and quasi-judicial procedures for all municipal boards in general. The proposed amendments will bring UDO Article III into compliance with the statute. In an effort to make the UDO more user-friendly, the amendment also moves several ordinances dealing with hearing procedures to other UDO articles, where hopefully they will be easier to find and use.

UDO Article V (Appeals, Variances, Special Exceptions and Interpretations)

The proposed amendments to UDO Article V would bring that portion of the article pertaining to appeals (Sec. 152-92) in line with the revised G.S. § 160A-388.

UDO Article VI (Hearing Procedures)

The proposed amendment would bring UDO Article VI into compliance with G.S. § 160A-388 and 160A-393, which governs appeals of quasi-judicial appeals to Superior Court.

UDO Article IV (Permits and Plat Approvals)

The proposed amendment would bring UDO Article IV in line with the current statutory requirements of G.S. § 160A-375 and 160A-388. The substance of the article has not been affected.

Variances (Variances)

The amendment regarding variances brings the UDO section pertaining to variances (Sec. 152-93) into line with G.S. § 160A-388.

Amendments With Some Discretion

Section 152-149, “Permissible Uses and Specific Exclusions” (Permissible Uses)

The North Carolina Court of Appeals in *Land v. Village of Wesley Chapel*, 206 N.C. App. 123, 131, 297 S.E.2d 458, 463 (2010) held that, ““Zoning regulations are in derogation of common law rights and they cannot be construed to include or exclude by implication that which is not clearly their express terms. It has been held that well-founded doubts as to the meaning of obscure provisions of a Zoning Ordinance should be resolved in favor of the free use of property.” (Quoting, *Yancey v. Heafner*, 268 N.C. 263, 266, 150 S.E.2d 440, 443 (1966)). Applying this rule, the *Land* Court struck down a provision very similar to the one contained in Aberdeen Unified Development Ordinance Section 152-149(B), which reads as follows: “[A]ll uses that are not listed in section 152-146 (the Table of Permissible Uses), even given the liberal interpretation mandated by subsection (A), are prohibited.”¹ The proposed amendment eliminates this language and adopts a new standard that hopefully will be workable for the Town. While the Board of Commissioners does not have to adopt the amendment exactly as it is written, the Board should adopt some ordinance amendment to address *Land v. Village of Wesley Chapel*.

Entirely Discretionary Amendments

Special Exceptions (Special Exceptions)

The special exception amendment was not mandated by statutory changes. Instead, staff has proposed the amendment as a way to address certain situations involving accessory structures that do not comply with the UDO.

¹ As an interesting side note, the language struck down came from the model unified development ordinance developed by Mike Brough in 1985. The language had been widely adopted by smaller North Carolina municipalities because they generally lack the resources to attempt to regulate every conceivable land use.



TOWN OF ABERDEEN AGENDA ITEM ACTION REQUEST FORM

This form must be completed and attached to all supporting documentation for items to be included on the Town of Aberdeen Board agenda. One (1) form per agenda item.

Submitted By: P Graham **Department:** Planning

Contact Phone # 4517 **Date Submitted:** 9/2/15

Agenda Item Title: Proposed adjustments to Fee Schedule

Date of Board Meeting to hear this item: 9/14/15

Board Action Requested:	
New Business <input checked="" type="checkbox"/>	Information Only <input type="checkbox"/>
Old Business <input type="checkbox"/>	For Action at Future Meeting <input type="checkbox"/> Date _____
Public Hearing <input type="checkbox"/>	Informal Discussion & Public Comment <input type="checkbox"/>
Other Business <input type="checkbox"/>	Consent Agenda <input type="checkbox"/>

Summary of Information:
Action requested at 9/14 meeting.

Special requests (i.e. Needs to be first on the agenda due to schedule of guest, etc.):



MEMORANDUM TO THE BOARD OF COMMISSIONERS – September 14, 2015 Work Session

Description of Request

Request:

Revisions to the
Permitting Fee
Schedule

Prepared by:

Pamela Graham,
Planning Director

Staff has drafted the attached revised Fee Schedule for the Board's review and comments ("red-line" and a "clean" version are included). The revisions are suggested in an effort to clarify fees for applicants and staff, to ensure that appropriate fees are being charged, and to eliminate categories that are redundant or have seen no use in recent years. The specific changes are detailed below.

- Sheds are now classified according to their construction – stick-built sheds are handled the same as residential additions; portable (pre-fab) sheds are handled separately with a flat fee of \$50 to reflect the single inspection that is required for these;
- Electrical permit categories have been simplified to eliminate categories of varying amperage that have become obsolete. A flat fee of \$150 will be charged for amperage up to 200, and each additional 200 amps will carry an additional fee of \$150;
- Generator installations are now accounted for in the Electrical Alterations category with a flat fee of \$50. The per outlet charge has also been removed; our inspectors tell us that the number of outlets is often not determined until after the permit has been issued and the per outlet charge is unnecessary;
- Miscellaneous categories have been added for electrical and mechanical work not already covered in an existing category;
- Mechanical installations are simplified to state "per system";
- Tents that require inspection per the building code are included, with a flat \$50 fee;
- Fire Suppression Systems (wet and dry chemical systems as opposed to sprinklers) are included, with a flat \$100 fee;
- Terminology for Manufactured Homes is updated and Modular Homes are included as a separate category, indicating that they are to be treated the same as stick built residential;
- Site Plan Review fees are clarified to prevent double fees for subdivisions. All subdivisions are charged for preliminary and final plat review as a single

charge of \$150 + \$10 per each lot over ten. Major subdivisions are also charged a \$250 conditional use permit fee due to the public hearing requirement. The additional Site Plan Review charge of \$250 + \$20 per acre over one applies to proposals other than subdivisions because such proposals do not require preliminary/final plat review;

- Code of Ordinance Text Amendments not requested by staff are now separate from UDO Text Amendments, and carry a fee of \$150 as opposed to \$300 due to there being no public hearing requirement for code amendments;
- Special Events fees have been removed from the Fee Schedule and are now handled by the Parks & Recreation Department.

Staff Recommendation

Staff recommends that the Board review the request for revisions to the Fee Schedule as indicated in the attached draft and adopt the resolution provided.

Enclosures: Draft Fee Schedule – Red-line version
Draft Fee Schedule – Clean version
Draft Resolution Approving the Fee Schedule

Town of Aberdeen Fee Schedule Draft 8-10-15

Service	Fee
Residential Building (Including Residential Additions and stick built sheds)	\$75.00 + .18 sq ft
Residential Building (Remodel/Alterations)	\$50.00 + .10 sq ft
Commercial Building	\$100.00 + .20 sq ft
Commercial Upfit	\$100.00 + .15 sq ft of area(s) where work is to be conducted
NCHORF (required by State of NC)	\$10.00
Insulation	\$50.00
Commercial Insulation	\$75.00 per 10,000 Sq. Ft.
Shed — Prefabricated Portable Buildings/Carports	\$50.00
Deck	\$50.00
Temporary Pole - Residential	\$50.00
Temporary Pole - Commercial	\$75.00
Electrical 100 Amp Service (1 Phase)	\$100.00
Electrical Up To 200 Amp Service (1 Phase)	\$150.00
Electrical 320 Amp Service (1 Phase) Each Additional 200 Amp Service	\$175.00 \$150.00 per each additional 200 Amps
Electrical 400 Amp Service (1 Phase)	\$200.00
Electrical 600 Amp Service (1 Phase)	\$250.00
Electrical 600/+ Amp Service (1 Phase)	\$350.00
Electrical 200 Amp Service (3 Phase)	\$200.00
Electrical 400 Amp Service (3 Phase)	\$300.00
Electrical 600 Amp Service (3 Phase)	\$400.00
Electrical 800 Amp Service (3 Phase)	\$500.00
Electrical 1000 Amp Service (3 Phase)	\$600.00
Panel/Mtr. Base Replacement	\$100.00 if same for same
Panel Replacement with service change	\$75.00, \$125.00 above 200 amp
Alterations (remodel or addition) including generators	\$50.00 + \$2 per outlet
Service Change Only	\$50.00
Load Control / Disconnect	\$15.00 each
Miscellaneous Electrical Permit	\$50.00
Plumbing - Residential	\$75.00 + \$7 per fixture
Plumbing - Commercial	\$100.00 + \$7 per fixture
Hot-Water Heater Change-out	\$50.00
Sprinkler System – Irrigation	\$50.00
Water/Sewer Tap	\$50.00
Mechanical	\$75.00 split & package per system
Mechanical – Commercial units	\$75.00 per system + \$ 10 per ton
New Gas Line	\$50.00
Commercial Range, Grease Hood, Etc.	\$50.00
Smoke Test – over 5 tons	\$50.00
Duct Work for alterations	\$35.00
Refrigeration	\$50.00 + \$10.00 per unit
Miscellaneous Mechanical Permit	\$50.00
Demolition	\$150.00
Pool – includes electrical	\$150.00
Petroleum Tanks (above/below)	\$50.00 each
Petroleum Product Dispenser	\$50.00 + \$20 each addition disp.
Tent	\$50.00
Fire Alarm System (includes plan review)	\$50.00
Fire Sprinkler Systems: New/Renovations (plan review/100 heads)	\$100.00 + .50 each additional head
Fire Suppression System	\$100.00
Fence	\$50.00 (zoning permit)

Revised 8-10-15 See other side

Day Care Special Inspection	\$100.00
<u>Singlewide/Doublewide Manufactured Housing</u>	\$250.00 includes all trades
<u>Modular Housing</u>	<u>Use Residential Fees</u>
Re-inspection fee	\$50 1st , \$100 2nd , \$200 3rd , etc...
Failure to obtain permit	Double Permit Fee
Building Inspector Plan Review	\$250.00 5000 Sq. Ft. of less \$500.00 5001 Sq. Ft. – 10, 000 Sq. Ft. \$750.00 10,001 Sq. Ft. or greater
Site Plan (Single Family/No Fee)	\$250 + \$20 per each acre over 1
Rezoning	\$250 + \$20 per each acre over 1
Conditional Use – Home Occupation	\$150
Conditional Use - Planned Development	\$500 + \$20 per each acre over 5
Conditional Use – Other	\$250.00
Special Use Permit	\$150.00
Subdivision – Major/Minor subdivisions Preliminary/Final Plat	\$150.00 (first 10 lots) plus \$10 per each additional lot
Dollar Value per Acre for Open Space Calculation	Tax value at time of application, or most recent purchase price, whichever is greater
Text Amendment	\$300.00
Board of Adjustment	\$250.00
Commercial Building Reuse Inspection	\$50.00
Certificate of Appropriateness	\$50.00
Special Events	\$50.00 (waived for non profits)
Zoning Permit	\$50.00
Zoning Compliance Letter	\$50.00
Sign Permit	\$75.00
Master Sign Plan	\$150.00
Banner Permit	\$10.00 per week, per banner
ABC Permit	\$75.00
Standard 8.5 x 11 Map	\$2.00
Standard 11 x 17 Map	\$4.00
Standard 24 x 36 Map	\$20.00
Standard 34 X 44 Map	\$25.00
Custom Mapping	\$50.00 hr
Custom Aerial Maps 8.5 x 11	\$25.00 Material Fee + Hourly rate
Custom Aerial Maps 11 x 17	\$30.00 Material Fee + Hourly rate
Custom Aerial Maps 34 x 44	\$50.00 Material Fee + Hourly rate
Street Closure Petition	\$375.00 + petitioner responsible for survey

Revised 8-10-15 See other side

Town of Aberdeen Fee Schedule Draft 8-10-15 (clean)

Service	Fee
Residential Building (Including Residential Additions and Stick Built Sheds)	\$75.00 + .18 sq ft
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Commercial Upfit	\$100.00 + .15 sq ft of foot print area(s) where work is to be conducted
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Portable Buildings/Carports	\$50.00
Deck	\$50.00
Temporary Pole - Residential	\$50.00
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Up To Electrical 200 Amp Service (1 Phase)	\$150.00
Each additional Electrical 200 Amp Service	\$150.00 per each additional 200 Amp's
Temporary Power	\$100.00
Panel/Mtr. Base Replacement	\$100.00 if same for same
Panel Replacement with service change	\$75.00, \$125.00 above 200 amp
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Service Change Only	\$50.00
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Water/Sewer Tap	\$50.00
Mechanical	\$75.00 per system
Mechanical – Commercial units	\$75.00 per system + \$ 10 per ton
New Gas Line	\$50.00
Commercial Range, Grease Hood, Etc.	\$50.00
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Tent	\$50.00
Fire Alarm System (includes plan review)	\$50.00
Fire Sprinkler Systems: New/Renovations (plan review/100 heads)	\$100.00 + .50 each additional head
Fire Suppression System	\$100.00
Fence	\$50.00

Revised 8-10-15 – see other side

Day Care Special Inspection	\$100.00
Manufactured Housing	\$250.00 includes all trades
Modular Housing	Use Residential Fees
Re-inspection fee	\$50 1st , \$100 2nd , \$200 3rd , etc...
Failure to obtain permit	Double Permit Fee
Site Plan (Single Family = No Fee; Subdivisions = see below)	\$250 + \$20 per each acre over 1
Rezoning	\$250 + \$20 per each acre over 1
Conditional Use – Home Occupation	\$150
Conditional Use - Planned Development	\$500 + \$20 per each acre over 5
Conditional Use – Other	\$250.00
Special Use Permit	\$150.00
Subdivision – Major/Minor subdivisions Preliminary/Final Plat (charged once, includes site plan review)	\$150.00 (first 10 lots) plus \$10 per each additional lot
Dollar Value per Acre for Open Space Calculation	Tax value at time of application, or most recent purchase price, whichever is greater
UDO Text Amendment	\$300.00
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Custom Aerial Maps 11 x 17	\$30.00 Material Fee + Hourly rate
Custom Aerial Maps 34 x 44	\$50.00 Material Fee + Hourly rate
Street Closure Petition	\$375.00 + petitioner responsible for survey

Revised 8-10-15 – see other side

**A RESOLUTION APPROVING THE TOWN OF ABERDEEN
MISCELLANEOUS FEES AND CHARGES SCHEDULE**

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF ABERDEEN:

Section 1. The "Town of Aberdeen Miscellaneous Fees and Charges Schedule," attached hereto as Attachment A is hereby adopted.

Section 2. All provisions of any town ordinance or resolution in conflict with this resolution are repealed.

Section 3. This resolution shall become effective upon adoption.

The foregoing Resolution on motion of Commissioner _____, seconded by Commissioner _____, was adopted this ____ day of _____, 2015.

Ayes: _____

Noes: _____

Absent or Excused: _____

Dated: _____

Robert A. Farrell, Mayor

Dated: _____

Regina M. Rosy, Aberdeen Town Clerk



TOWN OF ABERDEEN AGENDA ITEM ACTION REQUEST FORM

This form must be completed and attached to all supporting documentation for items to be included on the Town of Aberdeen Board agenda. One (1) form per agenda item.

Submitted By: P Graham **Department:** Planning

Contact Phone # 4517 **Date Submitted:** 9/2/15

Agenda Item Title: Consideration of Applicants for Planning Board Appointment

Date of Board Meeting to hear this item: 9/14/15

Board Action Requested:	
New Business <input checked="" type="checkbox"/>	Information Only <input type="checkbox"/>
Old Business <input type="checkbox"/>	For Action at Future Meeting <input type="checkbox"/> Date _____
Public Hearing <input type="checkbox"/>	Informal Discussion & Public Comment <input type="checkbox"/>
Other Business <input type="checkbox"/>	Consent Agenda <input type="checkbox"/>

Summary of Information:
Action requested at 9/14 meeting.

Special requests (i.e. Needs to be first on the agenda due to schedule of guest, etc.):



MEMORANDUM TO THE BOARD OF COMMISSIONERS – September 14, 2015 Work Session

Description of Request

Request:
Appointment to the
Planning Board

Prepared by:
Jae Kim,
Planner II

There are two (2) currently empty seats on the Planning Board (PB) that remain to be filled due to individuals moving outside of the jurisdiction and/or expiration of their term. Kelvin Watson was an in-town appointee and Peter Koch served as an ETJ alternate. Both terms expired on June, 2015, however, Mr. Watson has moved from the jurisdiction and therefore not eligible for reappointment. Mr. Koch has declined to be considered for reappointment due to health issues.

The PB meets on the third Thursday of each month at Town Hall at 6:00 p.m. The Board of Commissioners is responsible for appointing persons to the PB, a nine member board with seven members that must reside inside the Aberdeen town limits and two members residing in the extra-territorial jurisdiction (ETJ). The PB is an advisory body to the Town Board and deals with land use, zoning and development issues.

Staff has received four (4) applications for the in-town seat below:

Bryan Bowles

Allen William Prevatte

Michael T. Ratkowski, Jr.

Ron Utley

The current composition and term expiration dates of the Planning Board representatives are as follows. The UDO provides for three (3) year terms expiring in June with board members restricted to two full terms.

- | | |
|----------------------------|------------------------------|
| 1. Johnny Ransdell (Chair) | 2. Kenneth Byrd (Vice Chair) |
| June 2016 | June 2016 |
| ETJ | In-Town |

- | | |
|--|---|
| <p>3. Richard Gergle
June 2017
In-town</p> | <p>4. Raymond Lee
June 2017
In-town</p> |
| <p>5. Tim Marcham
June 2015 – eligible for reappointment
In-town</p> | <p>6. Janet Peele
June 2017
In-town</p> |
| <p>7. Vacant
June 2018
In-town</p> | <p>8. Ron Utley (Alternate)
June 2017
In-town</p> |
| <p>9. Vacant (Alternate)
June 2018
ETJ</p> | |

A copy of their applications and resume/information are attached for review. Ron Utley is currently serving as an in-town alternate to the PB and has applied for an in-town regular position. Allen Prevatte served on the PB from 1999 – 2011. The period of the term to be filled shall expire in 6-2018.

Tim Marcham serves as an in-town member of the PB and has expressed interest in his continued service. He is eligible for reappointment to the PB.

At this time, there are no qualified applicants to consider for the ETJ alternate.

Staff Recommendation

Staff recommends that the Board of Commissioners review all applicants for the in-town seat on the Planning Board for discussion and decision to fill the vacant in-town seat.

In addition, staff recommends Tim Marcham be reappointed to the Planning Board with term expirations of June 2018.

Town of Aberdeen
Advisory Board Appointment Application

The Town of Aberdeen encourages you to participate in local government by serving on one of the following advisory boards. The purpose of these boards is to assist the Town Commissioners in making effective decisions concerning local projects and issues affecting the quality of life of our community. If you are interested in being appointed, please complete this application and return it to *Town of Aberdeen, Regina Rosy, Town Clerk, P.O. Box 785, Aberdeen, NC 28315*. Your willingness to serve is greatly appreciated.

Please check area of interest below. You may mark more than one.

<input checked="" type="checkbox"/> Planning Board	<input type="checkbox"/> Appearance & Beautification Commission
<input type="checkbox"/> Historic Preservation Commission	<input type="checkbox"/> Malcolm Blue Farm Advisory Committee
<input type="checkbox"/> Parks & Recreation Advisory Committee	<input type="checkbox"/> Advisory Board _____

NAME: Bryan Bowles

ADDRESS: 700 E. L. Ives Drive

Aberdeen, NC 28315

EMAIL: bryan.bowles@gmail.com

TELEPHONE: (HOME) 910-783-4745 (WORK) 910-695-8825 Ext 304

OCCUPATION: Project Manager

PAST OR CURRENT APPOINTMENT: N/A

BACKGROUND AND QUALIFICATIONS: (Resume or biography may be attached)

See Attached

SIGNATURE: *Bryan Bowles* DATE: 07/14/15

I reside Within Aberdeen's City Limits

This application is a public record and may be retained for two (2) years

BRYAN BOWLES

Experience

Project Manager

700 E. L. Ives Drive
bryan.bowle@gmail.com
(910) 783-4745

Neal Smith Engineering, Inc. (Southern Pines, NC) 1997 - Present

- Prepare Project Proposals
- Manage projects throughout design to include:
 - Land Planning
 - Building Design and Detailing
 - Code Reviews
- Project Submittal Reviews
- Structural Site Inspections with Reports
- Provide computer/printer support and maintenance
- Responsible for software updates

Charles D. Ward Surveying (Southern Pines, NC) 1994 - 1997

- Land Planning and Design
- Field Surveying
- Customer Service
- Provide computer/printer support and maintenance for the office
- Responsible for software updates and training for the office

Education

Associate in Applied Science Architectural Technology, Architectural *Sandhills Community College* – Southern Pines, NC

Graduate: 1997

Architectural CAD Specialty Certification *Sandhills Community College* – Southern Pines, NC

Graduate: 1996

Computer Skills

- | | |
|------------------------------|---------------|
| • Windows | • WoodWorks |
| • MS Word, Excel, PowerPoint | • Filezilla |
| • Autodesk (AutoCAD) | • MecaSeismic |
| • Forte | • MecaWind |
| • StruCalc | • Brother |

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Please check area of interest below. You may mark more than one.

<input checked="" type="checkbox"/> Planning Board	<input type="checkbox"/> Appearance & Beautification Commission
<input type="checkbox"/> Historic Preservation Commission	<input checked="" type="checkbox"/> Advisory Committee (as needed)

NAME: Allen William Prévatte

ADDRESS: 409 Elm. St.

Aberdeen, N.C. 28315

TELEPHONE: (HOME) 910 544-2454 (WORK) 910 544-1300

OCCUPATION: Wrecken Service

PAST OR CURRENT APPOINTMENT: Planning Board

BACKGROUND AND QUALIFICATIONS: (Resume or biography may be attached)

Previous Local Govt.

SIGNATURE: AW Prévatte DATE: 8-21-14

I reside Within City Limits In the Extra-Territorial Jurisdiction

This application is a public record and may be retained for two (2) years



Town of Aberdeen

115 N. Poplar
P.O. Box 785
Aberdeen, NC 28315

Planning Department
Building Inspections

Phone: (910) 944-7024
Fax: (910) 944-7459

September 3, 2014

Bill Prevatte
409 Elm Street
Aberdeen, NC 28315

RE: Planning Board Appointments

Dear Bill:

The recent effort to fill the Planning Board opening has been a little complicated as we had an appointment by the Board and we subsequently discovered that the applicant's address was outside of Aberdeen's jurisdiction.

More recently, the applicant (Mr. Richard Gergle) relocated to a residence within town limits and the Board voted to allow the original appointment stand.

I want to personally thank you for your interest in returning to the Planning Board and apologize for the confusion. We were fortunate to have qualified applicants willing to serve and I know this decision is never easy for the Board. There will be two terms ending in June of next year and if those members do not wish to serve an additional term the Board will need to appoint someone to fill them. If that situation presents itself I will contact you at that time to determine your interest and availability.

Please contact us if there are questions. In the meantime you may be contacted if other advisory boards are in need of members to see if you have any interest in serving in a different position.

Sincerely,

Pamela Graham, RLA
Planning Director

Town of Aberdeen
Advisory Board Appointment Application

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Please check area of interest below. You may mark more than one.

<input checked="" type="checkbox"/> Planning Board	<input type="checkbox"/> Appearance & Beautification Commission
<input type="checkbox"/> Historic Preservation Commission	<input type="checkbox"/> Malcolm Blue Farm Advisory Committee
<input type="checkbox"/> Parks & Recreation Advisory Committee	<input type="checkbox"/> Advisory Board _____

NAME: Michael T Ratkowski jr

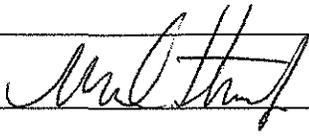
ADDRESS: 150 Argyll Ave Aberdeen NC

TELEPHONE: (HOME) 910 975 6019 (WORK) same

OCCUPATION: Brewery owner

PAST OR CURRENT APPOINTMENT: HPC Master Plan task force

BACKGROUND AND QUALIFICATIONS: (Resume or biography may be attached)

SIGNATURE:  DATE: 13 July 15

I reside Within Aberdeen's City Limits

This application is a public record and may be retained for two (2) years

- Active member of HPC and Downtown task force
- Partner with Artist league for stroke of Patriotism
- Reside in Aberdeen
- Land owner / Business owner in Aberdeen
- Raise money for following charities
 - MMI A
 - Duska Stephens Foundation
 - Junior league of sand hills
 - Habitat for humanity
 - VFW
 - Boys and girls club
 - K2 solutions
 - Coast 2 coast

Town of Aberdeen
Advisory Board Appointment Application

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<input type="checkbox"/> Historic Preservation Commission	<input type="checkbox"/> Malcolm Blue Farm Advisory Committee
<input type="checkbox"/> Parks & Recreation Advisory Committee	<input type="checkbox"/> Advisory Board _____

NAME: Ron Utley

ADDRESS: 1302 Devonshire Trl
Aberdeen NC 28315

TELEPHONE: (HOME) 919434638 (WORK) _____

OCCUPATION: _____

PAST OR CURRENT APPOINTMENT: Alternates

BACKGROUND AND QUALIFICATIONS: (Resume or biography may be attached)

SIGNATURE: Ron Utley DATE: 7/6/2015

I reside Within Aberdeen's City Limits

This application is a public record and may be retained for two (2) years



TOWN OF ABERDEEN AGENDA ITEM ACTION REQUEST FORM

This form must be completed and attached to all supporting documentation for items to be included on the Town of Aberdeen Board agenda. One (1) form per agenda item.

Submitted By: P Graham **Department:** Planning

Contact Phone # 4517 **Date Submitted:** 9/2/15

Agenda Item Title: Resolution of Support for Moore County Comprehensive Transportation Plan

Date of Board Meeting to hear this item: 9/14/15

Board Action Requested:	
New Business <input checked="" type="checkbox"/>	Information Only <input type="checkbox"/>
Old Business <input type="checkbox"/>	For Action at Future Meeting <input type="checkbox"/> Date _____
Public Hearing <input type="checkbox"/>	Informal Discussion & Public Comment <input type="checkbox"/>
Other Business <input type="checkbox"/>	Consent Agenda <input type="checkbox"/>

Summary of Information:
Action requested at 9/14/15 meeting.

Special requests (i.e. Needs to be first on the agenda due to schedule of guest, etc.):



Agenda Item # _____
Town of Aberdeen Planning & Inspections Department
115 N. Poplar Street PO Box 785
Aberdeen, NC 28315
(910) 944-7024

MEMORANDUM TO THE BOARD OF COMMISSIONERS – September 14, 2015 Work Session

Description of Request

Request:

Resolution of Support for the Moore County Comprehensive Transportation Plan

The Triangle Area Rural Planning Organization (TARPO) is coordinating the adoption of municipal resolutions regarding the Moore County Comprehensive Transportation Plan as the county moves closer to the adoption of the Plan itself. Members of the TARPO Technical Coordinating Committee have been asked to request adoption of the resolutions by our respective elected bodies in September/October of this year.

Prepared by:

Pamela Graham,
Planning Director

NCDOT and Kimley-Horn Engineering conducted public meetings in March of this year to present and answer questions regarding proposed concepts for improvements to US 1 (and other Moore County corridors) to meet current and anticipated travel demands. They followed up with a meeting with the Aberdeen Town Board on June 22nd. Responses indicate support for the Four-lane Superstreet concept that is projected to meet transportation needs until approximately the year 2040. Conversion to a Six-lane Superstreet will likely be needed prior to 2040; however, the current resolution supporting the Four-lane option will require additional right-of-way only at strategic locations rather than along the full length of the existing five-lane section in Aberdeen. Adoption of the Resolution will prevent additional delays with adoption of the Transportation Plan; an adopted Plan better positions the county (and its municipalities) for funding of transportation projects while maintaining compliance with general statutes.

Staff Recommendation

Staff recommends that the Board review the enclosed Resolution of Support and additional materials and consider adoption.

Enclosures: Draft Resolution of Support
US 1 Concept Displays

Town of Aberdeen

COMMISSIONERS
JOE DANNELLEY
ELEASE GOODWIN
PAT ANN McMURRAY
BUCK MIMS
JAMES W. THOMAS



ROBERT A. FARRELL, Mayor
BILL ZELL, Town Manager
REGINA M. ROSY, Town Clerk

RESOLUTION SUPPORTING THE MOORE COUNTY COMPREHENSIVE TRANSPORTATION PLAN

WHEREAS, The Town of Aberdeen is part of the More County Transportation Committee (MCTC); and

WHEREAS, Moore County, its municipalities, the Triangle Area Rural Planning Organization (TARPO), and the North Carolina Department of Transportation (NCDOT) are working cooperatively to identify future transportation needs by developing a Moore County Comprehensive Transportation Plan (MCCTP); and

WHEREAS, the Town of Aberdeen and NCDOT are directed by North Carolina General Statute 136-66.2 to develop a Comprehensive Transportation Plan that will serve present and anticipated travel demand in and around the Town of Aberdeen; and

WHEREAS, it is recognized that US Highway 1 is designated as a North Carolina Strategic Transportation Corridor (STC) that is important to statewide mobility and regional connectivity; and

WHEREAS, following extensive analysis, NCDOT agrees that the five-lane section of US Highway 1 will not meet the anticipated 2040 travel demand or maintain adequate mobility for a road with statewide interests; and

WHEREAS, improvement of the five-lane US Highway 1 section within the jurisdictional boundaries of the Town of Aberdeen to a superstreet will support the STC goals of safe, effective, high-volume, inter-regional movement of people and goods, system connectivity, and the support of economic prosperity; and

WHEREAS, on June 22, 2015, concepts of improving the five-lane section of US Highway 1 to a superstreet was presented to the Town of Aberdeen to address present and future transportation demand, based on employment and development projections provided by the County;

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners of the Town of Aberdeen supports the Four-lane Superstreet concept as presented by NCDOT, and the inclusion of said concept in the final Moore County Comprehensive Transportation Plan.

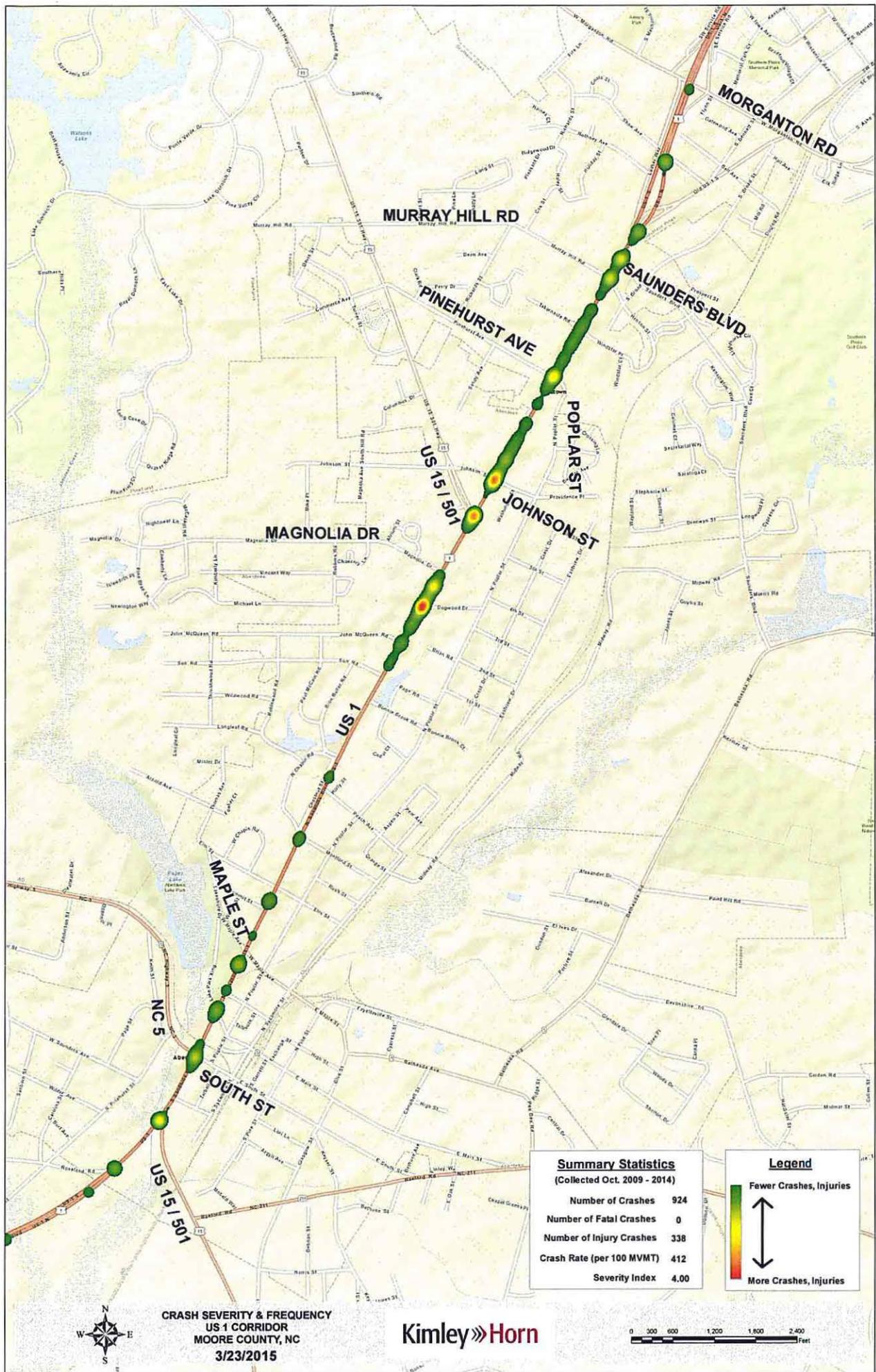
Adopted this the 14th day of September, 2015.

Robert A. Farrell, Mayor

Attest:

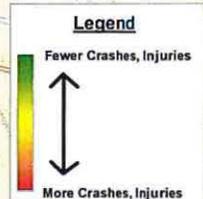
Regina M. Rosy, Clerk

DRAFT



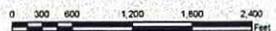
Summary Statistics
(Collected Oct. 2009 - 2014)

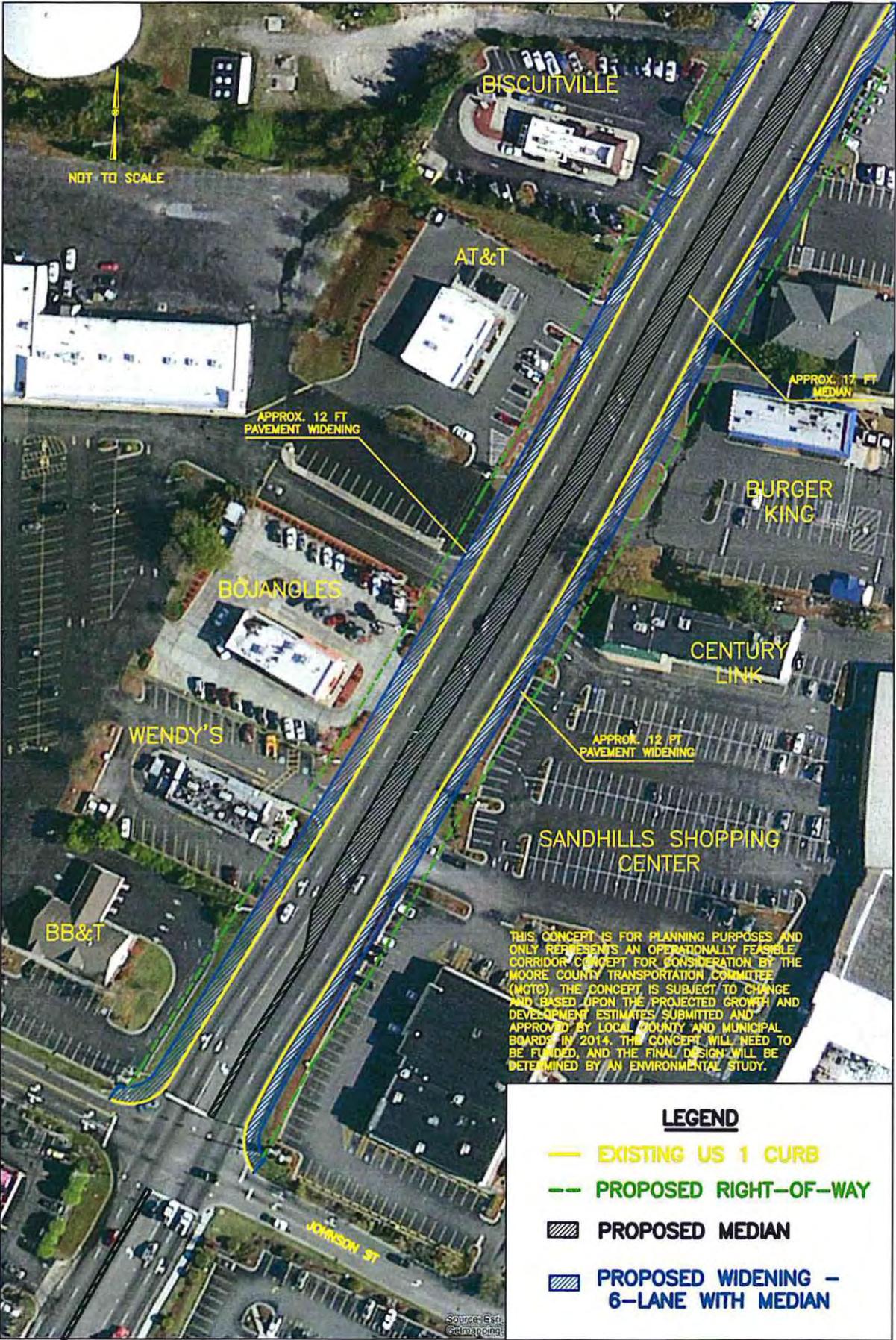
Number of Crashes	924
Number of Fatal Crashes	0
Number of Injury Crashes	338
Crash Rate (per 100 MVMT)	412
Severity Index	4.00



CRASH SEVERITY & FREQUENCY
US 1 CORRIDOR
MOORE COUNTY, NC
3/23/2015

Kimley»Horn

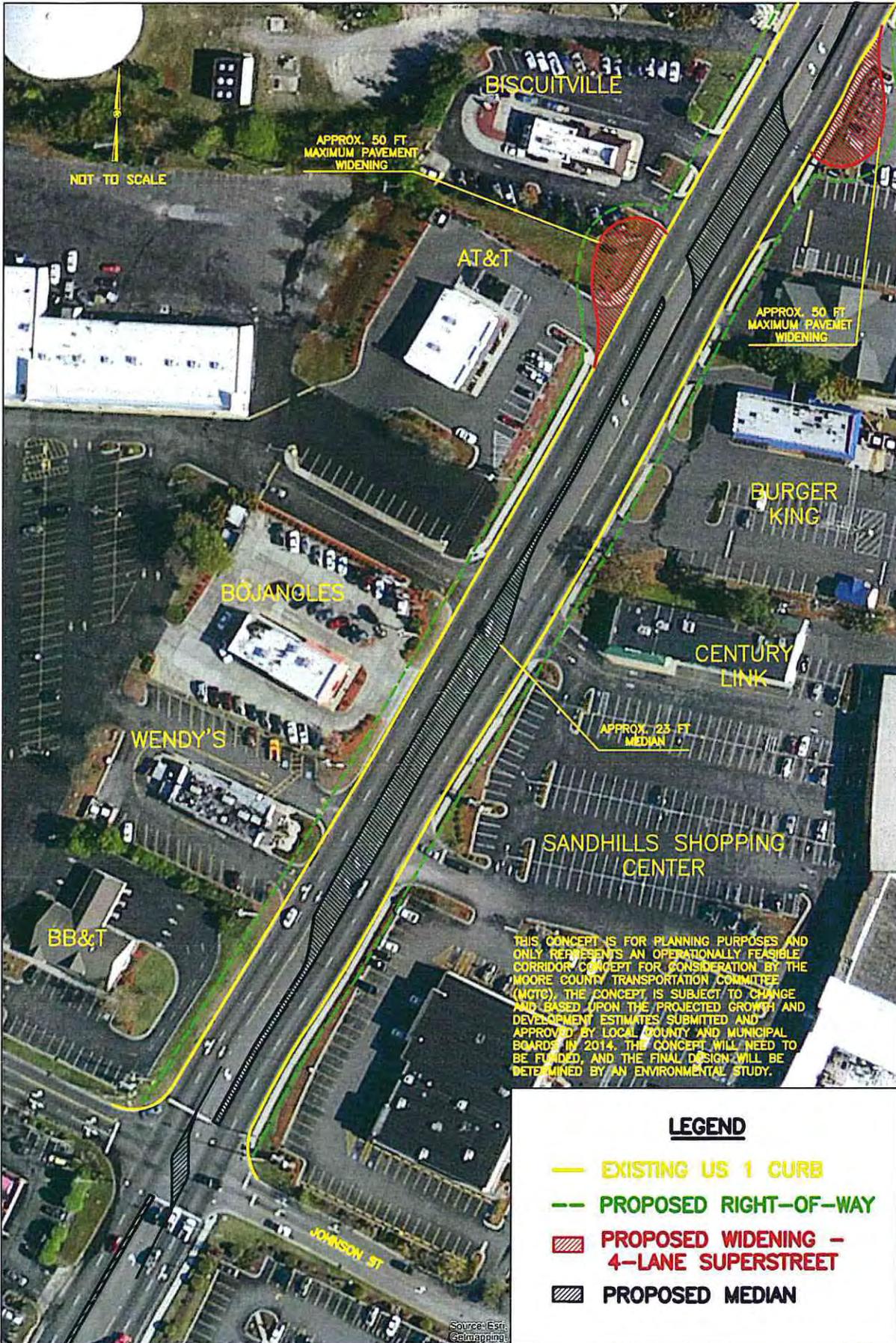




THIS CONCEPT IS FOR PLANNING PURPOSES AND ONLY REPRESENTS AN OPERATIONALLY FEASIBLE CORRIDOR CONCEPT FOR CONSIDERATION BY THE MOORE COUNTY TRANSPORTATION COMMITTEE (MOTC). THE CONCEPT IS SUBJECT TO CHANGE AND BASED UPON THE PROJECTED GROWTH AND DEVELOPMENT ESTIMATES SUBMITTED AND APPROVED BY LOCAL COUNTY AND MUNICIPAL BOARDS IN 2014. THE CONCEPT WILL NEED TO BE FUNDED, AND THE FINAL DESIGN WILL BE DETERMINED BY AN ENVIRONMENTAL STUDY.

Kimley»Horn	US 1 ALTERNATIVES STUDY MOORE COUNTY, NC	PROPOSED CONCEPT – 6-LANE WITH FULL-MOVEMENT	FIGURE
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THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.



LEGEND

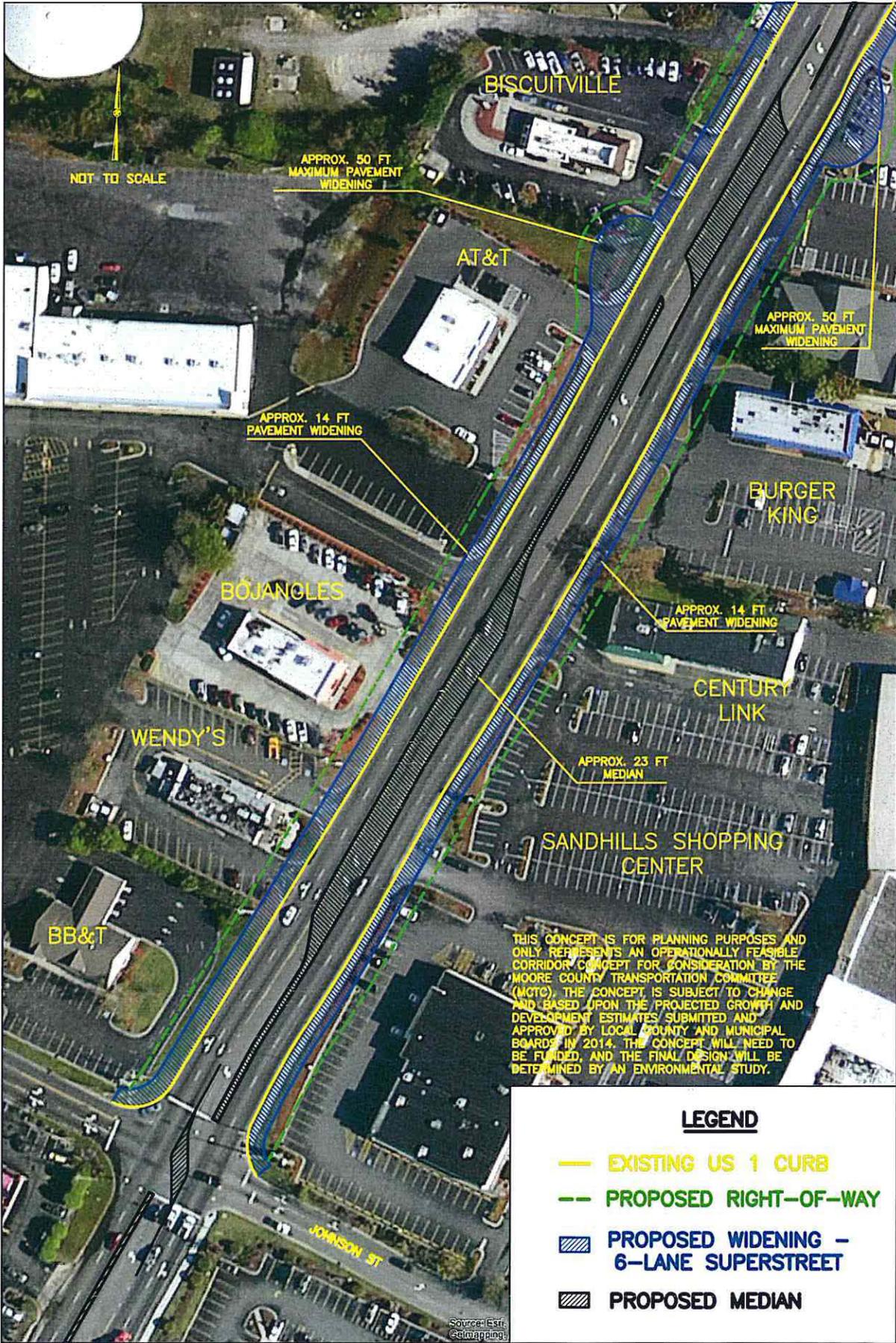
- EXISTING US 1 CURB
- - PROPOSED RIGHT-OF-WAY
- ▨ PROPOSED WIDENING - 4-LANE SUPERSTREET
- ▨ PROPOSED MEDIAN

Kimley»Horn

US 1 ALTERNATIVES STUDY
MOORE COUNTY, NC

PROPOSED CONCEPT -
4-LANE SUPERSTREET

FIGURE

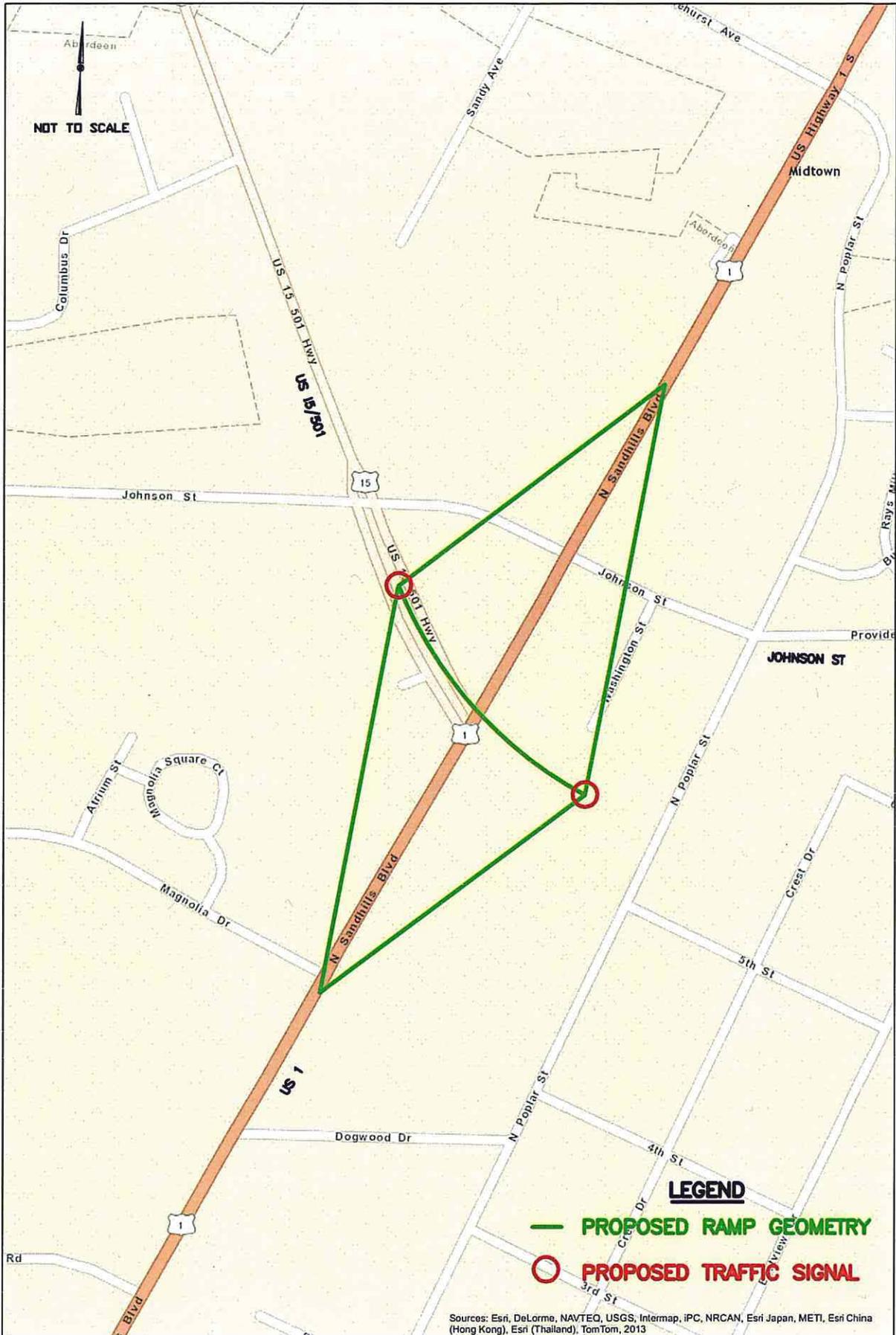


Kimley»Horn

US 1 ALTERNATIVES STUDY
MOORE COUNTY, NC

PROPOSED CONCEPT -
6-LANE SUPERSTREET

FIGURE



Kimley»Horn

US 1 ALTERNATIVES STUDY
MOORE COUNTY, NC

PROPOSED INTERCHANGE LOCATION -
4-LANE FREEWAY SCENARIO

FIGURE

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TOWN OF ABERDEEN AGENDA ITEM ACTION REQUEST FORM

This form must be completed and attached to all supporting documentation for items to be included on the Town of Aberdeen Board agenda. One (1) form per agenda item.

Submitted By: P Graham **Department:** Planning

Contact Phone # 4517 **Date Submitted:** 9/2/15

Agenda Item Title: Resolution to Accept Renewed Surety Bonds to Guarantee Infrastructure at Legacy Lakes

Date of Board Meeting to hear this item: 9/14/15

Board Action Requested:	
New Business <input checked="" type="checkbox"/>	Information Only <input type="checkbox"/>
Old Business <input type="checkbox"/>	For Action at Future Meeting <input type="checkbox"/> Date _____
Public Hearing <input type="checkbox"/>	Informal Discussion & Public Comment <input type="checkbox"/>
Other Business <input type="checkbox"/>	Consent Agenda <input type="checkbox"/>

Summary of Information:
Surety Bonds for asphalt topcoat, sidewalks and additional paving at Legacy Lakes have been renewed for a period of one year. Staff requests that the Board adopt the attached resolution accepting the renewals.

Special requests (i.e. Needs to be first on the agenda due to schedule of guest, etc.):



MEMORANDUM TO THE BOARD OF COMMISSIONERS – September 14, 2015 Work Session

Description of Request

Request:

Acceptance of
Surety Renewals
for Legacy Lakes

Prepared by:

Jae Kim,
Planner II

On October 25, 2012, MFV-FC Portfolio, LLC, a subsidiary of Mountain Real Estate Capital closed on the purchase of Legacy Lakes including all collateral held by FC-Pinehurst, LLC. Nine surety bonds were in force for this development on that date, and were transferred to the new owners through replacement bonds for equal amounts as detailed below. These replacement bonds, accepted by the Town Board on November 13, 2012, expired on 10/9/2014. The Town Board accepted a renewal for an additional year set to expire on 10/10/2015. The current renewals of the bonds are attached for reference and are now ready for acceptance by the Board.

Attached please find a resolution for acceptance of the renewals. No reduction in surety has been requested at this time by the developer. Staff will confer with MFV-FC Portfolio to determine their intention for completing any of the bonded work prior to the 10/10/2016 expiration date for the renewed bonds.

The bond renewals are as follows:

MFV –FC Surety	Amount	Purpose	Expires
1080075	\$81,412.81	Sidewalks, Phase 1, Map 2	10/10/2016
1080076	\$70,265.00	Sidewalks, Phase 1, Map 1	10/10/2016
1070077	\$65,025.94	1" Road Top Coat, Phase 1, Map 1	10/10/2016
1070078	\$96,285.30	1" Road Top Coat, Phase 1, Map 2	10/10/2016
1080080	\$49,927.50	Phase 1, Map 4 paving costs for local subdivision roads	10/10/2016
1080081	\$79,915.24	Phase 1, Map 4 sidewalk improvements and 1" overlay	10/10/2016
1080082	\$132,333.62	Phase 1, Map 3, townhomes paving and curb	10/10/2016
1080083	\$29,812.50	Phase 1, Map 5 Sidewalk	10/10/2016
1080084	\$23,997.50	Phase 1, Map 5 paving	10/10/2016

Staff Recommendation

Staff recommends that the Board of Commissioners approve the attached resolution renewing the surety posted by MFV-FC Portfolio, LLC.

**RESOLUTION TO RENEW SURETY FOR MFV-FC PORTFOLIO LLC
FOR INFRASTRUCTURE IMPROVEMENTS FOR
Legacy Lakes, Phase 1**

WHEREAS, The Legacy (Legacy Lakes) was approved through a Conditional Use Permit granted by the Town of Aberdeen as a Residential Planned Development; and

WHEREAS, MFV-FC Portfolio, LLC posted surety for sidewalks and subdivision improvements for the development of lots and townhomes in Phase 1 of The Legacy with an expiration date of October 10, 2015; and

WHEREAS, all bonded improvements in Phase 1 of The Legacy have not been completed; and

WHEREAS, MFV-FC Portfolio, LLC offers a renewal of all surety for Phase 1 of The Legacy with an expiration of October 10, 2016 as detailed below;

MFV –FC Surety	Amount	Purpose	Expires
1080075	\$81,412.81	Sidewalks, Phase 1, Map 2	10/10/2016
1080076	\$70,265.00	Sidewalks, Phase 1, Map 1	10/10/2016
1070077	\$65,025.94	1” Road Top Coat, Phase 1, Map 1	10/10/2016
1070078	\$96,285.30	1” Road Top Coat, Phase 1, Map 2	10/10/2016
1080080	\$49,927.50	Phase 1, Map 4 paving costs for local subdivision roads	10/10/2016
1080081	\$79,915.24	Phase 1, Map 4 sidewalk improvements and 1” overlay	10/10/2016
1080082	\$132,333.62	Phase 1, Map 3, townhomes paving and curb	10/10/2016
1080083	\$29,812.50	Phase 1, Map 5 Sidewalk	10/10/2016
1080084	\$23,997.50	Phase 1, Map 5 paving	10/10/2016

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Town of Aberdeen that the following surety bonds: 1080075, 1080076, 1080077, 1080078, 1080080, 1080081, 1080082, 1080083, 1080084 are accepted for the completion of infrastructure improvements for Phase 1 of The Legacy.

Adopted this the 14th day of September, 2015.

Robert A. Farrell, Mayor

Attest:

Regina M. Rosy, Clerk



TOWN OF ABERDEEN AGENDA ITEM ACTION REQUEST FORM

This form must be completed and attached to all supporting documentation for items to be included on the Town of Aberdeen Board agenda. One (1) form per agenda item.

Submitted By: P Graham **Department:** Planning

Contact Phone # 4517 **Date Submitted:** 9/2/15

Agenda Item Title: Resolution to Accept a Letter of Credit to Guarantee Installation of Sidewalks for Phase 1 of the Meadow Ridge Subdivision

Date of Board Meeting to hear this item: 9/14/15

Board Action Requested:

<p>New Business <input checked="" type="checkbox"/></p> <p>Old Business <input type="checkbox"/></p> <p>Public Hearing <input type="checkbox"/></p> <p>Other Business <input type="checkbox"/></p>	<p>Information Only <input type="checkbox"/></p> <p>For Action at Future Meeting <input type="checkbox"/> Date _____</p> <p>Informal Discussion & Public Comment <input type="checkbox"/></p> <p>Consent Agenda <input type="checkbox"/></p>
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Summary of Information:

The Letter of Credit approved by the Board as surety for sidewalk installation for Phase 1 of the Meadow Ridge Subdivision expires on 10/3/2015. A replacement Letter of Credit is being prepared by Select Bank and will be available at the Work Session for approval by the Board. The current letter is attached for reference.

The Board granted a modification to the CUP for the subdivision that allowed for sidewalks to be installed on one side of each road within the subdivision (a 50% reduction). Of that amount, approximately half of the sidewalks are completed; however, the credit amount guaranteed by the letter remains at the original dollar figure of \$40,000.

Request approval at 9/14 meeting.

Special requests (i.e. Needs to be first on the agenda due to schedule of guest, etc.):

Town of Aberdeen

COMMISSIONERS
JOE DANNELLEY
ELEASE GOODWIN
PAT ANN McMURRAY
BUCK MIMS
JAMES W. THOMAS



ROBERT A. FARRELL, Mayor
BILL ZELL, Town Manager
REGINA M. ROSY, Town Clerk

RESOLUTION TO ACCEPT A LETTER OF CREDIT FOR INFRASTRUCTURE IMPROVEMENTS

Meadow Ridge, Phase 1

WHEREAS, A preliminary plat for Meadow Ridge was approved on August 12, 2013 by the Town of Aberdeen Board of Commissioners; and

WHEREAS, The Unified Development Ordinance (UDO) requires that a developer install the improvements specified within the UDO or guarantee their installation; and

WHEREAS, Jackie Speight (the Developer) received approval of a final plat for Phase 1 containing forty (40) lots as identified on the attached map; and

WHEREAS, the Regulations specify that surety must be posted at 1.25 times the estimated cost of construction of the proposed improvements; and

WHEREAS, the Developer intends to or has installed all infrastructure improvements for Meadow Ridge including some, but not all sidewalks required by the Conditional Use Permit and subsequent modifications for the subdivision; and

WHEREAS, the estimated cost of installing sidewalks at the time of final plat approval for Phase 1 was determined to be \$32,000, and a revised estimate reflecting partial installation of the sidewalks has not been prepared; and

WHEREAS, the amount of surety shall equal 1.25 times \$32,000 or \$40,000; and

WHEREAS, the Developer provided surety in the form of a Letter of Credit for \$40,000 pledged to the Town of Aberdeen for completion of infrastructure that stated an expiration date of October 3, 2015;

WHEREAS, the Developer has requested renewal of the surety in the form of a new Letter of Credit for \$40,000 pledged to the Town of Aberdeen that may not be released unless documentation is submitted by the Town directing the bank to do so;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Town of Aberdeen that a Letter of Credit in the amount of \$40,000 pledged to the Town of Aberdeen will be accepted as surety for completion of sidewalks for Phase 1 of Meadow Ridge.

Adopted this the ____ day of _____, 2015.

Robert A. Farrell, Mayor

Attest:

Regina M. Rosy, Clerk

IRREVOCABLE STANDBY LETTER OF CREDIT

ISSUER: Select Bank & Trust Company (Greenville 10th Street)
PO Box 2670
Dunn, NC 28335

Date of Issue: <u>10-03-2014</u> Letter of Credit Number: <u>153</u>	
Amount: U.S. \$ <u>40,000.00</u> (<u>forty thousand and no/100</u> U.S. DOLLARS)	
For Benefit Of: Beneficiary Name and Address	For Account Of: Applicant Name and Address
Town of Aberdeen P.O. Box 785, Aberdeen, NC 28315	ALEX J. SPEIGHT 2399 WATER VIEW RD GREENVILLE, NC 27858

LETTER OF CREDIT. Issuer establishes this Irrevocable Standby Letter of Credit (Letter of Credit) in favor of Beneficiary in the amount indicated above. Beneficiary may draw on this Letter of Credit with a Draft (or Drafts, if the maximum number of drawings is greater than one) together with the documents described below. Each Draft shall be signed on behalf of Beneficiary and be marked "Drawn under [Issuer name] Letter of Credit No. [Letter of Credit number] dated [Letter of Credit date]." Drafts must be presented at Issuer's address shown above on or before the Expiration Date. The presentation of any Draft shall reduce the Amount available under this Letter of Credit by the amount of the Draft.

This Letter of Credit sets forth in full the terms of Issuer's obligation to Beneficiary. This obligation cannot be modified by any reference in this Letter of Credit, or any document to which this Letter of Credit may be related.

This Letter of Credit expires on the Expiration Date.

DRAWINGS.

- Partial drawings shall not be permitted under this Letter of Credit.
- Partial drawings are permitted. The maximum number of drawings that may be made is _____.

DOCUMENTS. Each Draft must be accompanied by the following, an original and two copies except as stated:

- The original Letter of Credit, together with any amendments.
- A sight draft drawn by Beneficiary on Issuer.
- A signed statement by Beneficiary including the following statement: Upon presentation of a demand for payment referring to this letter stating that the amount demanded represents an unpaid indebtedness or other obligation of Alex J. Speight.
- Other documents:

EXPIRATION DATE. This Letter of Credit expires at the close of business at Issuer's address at 5:00pm (Time) on 10-03-2015 (Date). Issuer agrees to honor all Drafts presented in strict compliance with the provisions of this Letter of Credit on or before the Expiration Date.

- If Beneficiary has not drawn the full amount of this Letter of Credit prior to the Expiration Date, the Expiration Date shall be extended for a period of _____ days from the Expiration Date, unless Issuer notifies Beneficiary in writing at least _____ days prior to the Expiration Date that Issuer elects not to extend this Letter of Credit. In any event, this Letter of Credit shall expire on _____ without any notice from Issuer to Beneficiary.

TRANSFERABILITY. This Letter of Credit is transferable non-transferable.

APPLICABLE LAW. This Letter of Credit shall be governed by:

- the Uniform Customs and Practice for Documentary Credits, 2007 Revision, International Chamber of Commerce Publication No. 600 (UCP), or any later version or amendment.
- the International Standby Practices 1998 (ISP98).

This Letter of Credit shall also be governed by the laws of North Carolina, the United States of America, so long as such laws are not inconsistent with the UCP or ISP, as applicable.



TOWN OF ABERDEEN AGENDA ITEM ACTION REQUEST FORM

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Submitted By: P Graham **Department:** Planning

Contact Phone # 4517 **Date Submitted:** 9/9/2015

Agenda Item Title: STI (Strategic Transportation Investments) - Aberdeen Pedestrian Projects

Date of Board Meeting to hear this item: 9/14/15

Board Action Requested:

New Business <input type="checkbox"/>	Information Only <input checked="" type="checkbox"/>
Old Business <input type="checkbox"/>	For Action at Future Meeting <input type="checkbox"/> Date _____
Public Hearing <input type="checkbox"/>	Informal Discussion & Public Comment <input type="checkbox"/>
Other Business <input type="checkbox"/>	Consent Agenda <input type="checkbox"/>

Summary of Information:

In 2014 Aberdeen submitted two projects from our adopted Pedestrian Plan for consideration of 80% funding through NCDOT grants (projects must be included in an adopted plan to be considered). The mid-block crossing of US 1 near the Lake Park project was selected for funding and is slated to be on the engineering schedule for 2016. The estimated cost of this project was \$120,000, with a required local match of \$24,000 (20%).

The 2nd project approved by resolution of the Board in 2014 (attached) would construct sidewalks along Johnson Street between Panera and Southern Middle School. The project may provide adequate funding for sidewalks along both sides of Johnson Street, however, since Johnson Street does not have curb and gutter, DOT may require curb and gutter be installed as a component of the project which will likely restrict the sidewalk to one side of the street due to costs. The estimated project cost is also \$120,000 with a \$24,000 local match. Staff has included the project on the list for consideration in the upcoming STI process.

Special requests (i.e. Needs to be first on the agenda due to schedule of guest, etc.):

A RESOLUTION SUPPORTING A COMMITMENT OF REQUIRED LOCAL MATCH FUNDING FOR BICYCLE AND/OR PEDESTRIAN TRANSPORTATION PROJECTS SELECTED FOR FEDERAL FUNDING THROUGH THE NCDOT STRATEGIC TRANSPORTATION INVESTMENTS (STI) PROCESS

WHEREAS, on September 12, 2011 the Town of Aberdeen Board of Commissioners adopted a Resolution to submit the final draft of the Aberdeen Pedestrian Transportation Plan to NCDOT for review, thereby adopting the Plan, and;

WHEREAS, the aforementioned Plan's stated purpose was to achieve the following goals:

- Create walkable spaces;
- Provide pedestrian connectivity and access throughout Town;
- Connect the Downtown to Aberdeen Lake Park;
- Provide pedestrian connectivity and access to lower-income communities;
- Provide pedestrian roadway crossings especially in the downtown, shopping, and school areas;
- Control and enforce traffic speeds to create a calmer walking environment;
- Provide safe pedestrian facilities, treatments and programs to make it safe for children to walk to school;
- Develop education and encouragement programs to facilitate safe walking;
- Provide for pedestrian user groups of all ages and abilities;
- Provide walkways for both transportation and recreation needs;
- Connect to surrounding municipalities, regional trails, Weymouth Woods, the All American Train and Paint Hill Preserve;
- Address the growing obesity issue through the fostering of healthy lifestyles and active living;
- Create a more economically vibrant community, partly through making Aberdeen more attractive and walkable;
- Provide multi-use trails where both bicyclists and pedestrians can be served;
- Provide walking access to safe and healthy food sources;
- Reduce the Town's general auto dependency;
- Reduce the number of pedestrian related auto collisions;
- Increase miles of off-road greenway trails, and;

WHEREAS, the aforementioned Plan's adoption specifically provides for input into the annual capital improvement plan for the Town's budgeting purposes, and;

WHEREAS, the aforementioned Plan included two recommendations that were submitted for consideration for federal funding dollars through the STI process, namely:

- Aberdeen Pedestrian Plan Priority Project #1 – Park to Downtown Crossing;
- Aberdeen Pedestrian Plan Priority Project #4 – Johnson Street Sidewalk, and;

WHEREAS, the two projects submitted for federal funding consideration will greatly enhance the safety and enjoyment of pedestrians and drivers in Aberdeen while achieving specified goals of the Aberdeen Pedestrian Plan, and;

WHEREAS, STI selected projects are eighty percent (80%) funded by federal dollars and require a twenty percent (20%) non-federal funding match;

NOW THEREFORE, BE IT HEREBY RESOLVED that the Town of Aberdeen Board of Commissioners is fully aware of, and supports the required local match funding of listed projects, should they be selected for funding.

The foregoing Resolution on motion of Commissioner Joe Dannelley, seconded by Commissioner Elease Goodwin, was adopted this 4th day of August, 2014.

Ayes: 5

Noes: 0

Absent or Excused: NA

Dated: 8/4/2014

Robert A. Farrell

Robert A. Farrell, Mayor

ATTEST:

Regina M. Rosy
Regina M. Rosy, Town Clerk

Priority Project #4: Johnson St. Sidewalk

