



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

August 8, 2016
Monday, 6:00 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

1. Continuation of Public Hearing for Conditional Use Permit #16-04 submitted by George Nelson for property located on Lighthouse Circle.
2. Conditional Use Permit #16-04 submitted by George Nelson for property located on Lighthouse Circle. **Consider action at Work Session**
3. Update from Public Works Director Rickie Monroe on Thomas Avenue.
4. Minor Modification Request for Conditional Use Permit #15-06 for Quality Inn. **Consider action at Work Session**
5. Request for a 1-Year Extension to Conditional Use Permit #05-06 for Sandy Springs Subdivision. **Consider action at Work Session**
6. Minor Modification Request for Conditional Use Permit #06-04 submitted by McKee Homes. **Consider action at Work Session**
7. Re-appointments to the Historic Preservation Commission. **Consider action at Work Session**
8. Downtown Master Plan Task Force Appointments. **Consider action at Work Session**
9. Proclamation proclaiming September 2016 as Chiari Malformation Awareness Month.
10. Other Business.

11. Closed Session pursuant to N.C. General Statute 143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body and N.C. General Statute 143-318.11(a)(5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.
12. 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:** 7/7/16

Agenda Item Title: Conditional Use Permit CU #16-04 Submitted by George Nelson for Property Located on Lighthouse Circle

Work Session - Board Action (date of meeting should be filled in on line) :
Information Only _____
Public Hearing 8/8/16 - Continuation
Approval at work session - immediate action _____

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:
Public hearing continued from 6/27/16 to 8/8/16. May also be scheduled for New Business.

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



**MEMORANDUM TO THE BOARD OF COMMISSIONERS –
August 8, 2016 – Continued Public Hearing**

Applicant:

George Nelson, on
behalf of GHN
Properties

Request:

Conditional Use Permit
CU #16-04 to
Construct 12
Residential
Condominium Units

Location:

Lighthorse Circle, off
Saunders Blvd

Parcel ID:

00049527

Zoning:

R6-10

Existing Use:

Vacant lots in Existing
Condominium
Development

Proposed Use:

Multi-family

Prepared by:

Pamela Graham,
Planning Director

Description and Background of Conditional Use Permit Request

George Nelson, on behalf of GHN Properties, requests a conditional use permit (CUP) to construct three (3) condominium buildings with four units in each to complete the Lighthorse Trace Community. Eleven buildings currently exist in the development, two of these are duplexes and the remaining nine are condominium buildings with four units in each, for a total unit count of forty (40) existing units. The development received approval in 2004 for construction of a Residential Planned Development to consist of 48 lots, each with a condominium unit. Over the years progress on the construction occurred somewhat sporadically, and two of the “fourplex” buildings were actually built as duplexes. Only three buildings shown on the original plans are left unbuilt. However, the 2004 Zoning Code stipulates that all work related to approved conditional use permits must be complete within three (3) years or the permit is considered void. The current proposal is to complete the development with the construction of (3) “fourplex” buildings, bringing the total count for the development to fifty-two units. Due to the lapse of more than three years since approval of the CUP, a new application is required.

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.

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 decision is within the authorized jurisdiction of the Board of Commissioners.

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).

The Planning Board has made a recommendation for approval with conditions of CU #16-04.

Furthermore, as directed by §152-54(D), even if the Planning Board finds that the application complies with all other provisions of this chapter, it may still recommend denial of 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 near the top of page 2 of this document*)

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 off of Saunders Boulevard at the northeastern edge of Aberdeen's corporate boundary. The Elk's Club Golf Course, in Southern Pines' jurisdiction, is immediately to the east. Much of this area is zoned R6-10, described in the UDO as a district in which the principal use of land is for single-family, two-family residences and multi-family residences. The regulations of this district are intended to provide areas of the community for those persons desiring small residences and multi-family structures in relatively high-density neighborhoods. The regulations are intended to discourage any use that would interfere with the residential nature of the district.

The attached Vicinity Zoning map shows the parcel abuts R6-10 zoning on all sides of the property that are within Aberdeen's jurisdiction. The nearest R20-16 zoning is approximately 1/3 mile to the south at Stephanie Street. Also nearby is R10-10 zoning (+/- 1/2 mile on Midway Road), and HC (Highway Commercial) approximately 1/4 mile to the north, the location of the Kangaroo Gas Station.

Open Space

Open space requirements for multi-family are in two categories. Common Open Space is required at the rate of 435 square feet minimum for each dwelling unit. The open space must be no less than 40' wide or having a minimum radius of 26'. For the full build-out proposal of 52 units, the total required common open space is 22,620 square feet. The area that is set aside as common open space is calculated to be over 62,000 square feet following project completion and easily meets the width and radius requirement. Private open space is also required for each unit of a multi-family development, in the form of a porch, deck, patio, balcony, atrium or other area. These open space amenities may be no less than 15% of the dwelling unit floor area, or 90 sf, whichever is greater. As detailed architectural drawings are not yet prepared, compliance with this requirement will be determined during Site Plan Review, following approval of the conditional use permit.

The common open space proposal as shown on the Sketch Overlay Plan is in compliance with the UDO. Private open space compliance will be determined during Site Plan Review.

Landform and General Site Layout (Exhibit attached)

The property is contained within the Lighthorse Trace housing development, an area with total acreage of +/- 10.4 accessed by a loop road (Lighthorse Circle) from Saunders Boulevard. Eleven buildings currently exist with three vacant parcels remaining to be developed. There is significant tree cover along the perimeter of the development and within the interior of the loop. The topography is relatively steep from Saunders eastward to the golf course. A small stormwater pond sits within the loop, just southeast of the site for one of the proposed structures. The originally approved plans show a proposed retaining wall running parallel to Saunders Boulevard behind the structures that back up to it. This wall was never constructed; the natural slope has been sustained with the existing vegetation. The proposal for the two new structures in this section of the property indicates a smaller footprint for each and the structures are situated at a greater distance from the slope, leaving the slope undisturbed. Staff will review more detailed grading plans and stormwater proposals during the Site Plan Review process to ensure that the site is stable during and following construction.

No new roads are proposed and water and sewer service is already available at the site.

Notes and graphic representation provided on the conceptual plan indicate compliance with the dimensional standards for the R6-10 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)
R6-10	10,000	600	60	25*	10	25	35

* The developer has indicated that compliance with the minimum front setback requirement of 25' will result in:

1. The new structures deviating from the placement and character of the existing development pattern and,
2. Forcing the units that will be located adjacent to Saunders Boulevard to be constructed too close to the slope along the right-of-way, requiring additional grading into the slope and a greater likelihood that costly retaining walls will be needed.

UDO §152-60 (B) allows for some discretion for the Board to apply conditions for approval that modify or alter specific requirements where the development presents extraordinary circumstances that justify the variation. See Recommended Condition #8.

Transportation

A single access point from Saunders Blvd currently serves the community. Institute of Transportation Engineers' calculations estimates approximately 70 vehicle trips per day from the twelve units proposed in this application. The full build-out of 52 units will generate approximately 302 vehicle trips per day, well below the 600 trip Town of Aberdeen requirement for a traffic impact analysis as dictated by §152-163.21 of the UDO.

Staff has determined that a Traffic Impact Analysis will not be required by the UDO for the project and that the existing ingress/egress and surrounding roads will adequately accommodate the additional units proposed by CU #16-04.

Sidewalks and/or paths linking the interior of multi-family developments with residential buildings, adjoining streets, mailboxes, trash disposal areas, and on-site amenities are required by the UDO. The existing development was constructed prior to the establishment of this standard and the only sidewalks existing on the property connect front entries with their respective driveway. Mailboxes are located immediately adjacent to the driveways and there are no common trash disposal areas or other on-site amenities. Retrofitting sidewalks into the existing development would be problematic as there is insufficient right-of-way and some existing structures do not meet currently required setbacks, making a requirement for street-side sidewalks for the proposed buildings unfeasible. Relief from the standard sidewalk requirements may be granted through UDO §152-60 (B); Recommended Condition #9 has been included for the Board's consideration.

Landscaping and Screening

§152-163.14 (D) specifically addresses landscaping requirements for multi-family development. In addition to landscaping requirements found elsewhere in the UDO, multi-family developments are required to provide a semi-opaque screen at property boundaries that adjoin other residential properties. For the current proposal, the screen would only apply to the boundary adjacent to Saunders Blvd., and is required to be no less than 15' wide. Existing vegetation may be sufficient to meet the requirement; staff will determine during Site Plan Review if additional plantings will be required.

Additional Multi-Family Requirements

UDO design requirements for multi-family developments are more stringent than for other types of development. Requirements not addressed elsewhere in this staff memo include the following:

1. Parking Lot Landscaping – no parking lots are proposed or exist in the development.
2. Minimum spacing required between buildings of 20 feet – plans indicate adequate area for this requirement to be met; staff will ensure compliance during Site Plan Review.
3. Multi-family developments that are not specifically developed for the elderly and contain more than sixteen (16) dwelling units are required to construct a school bus shelter at a convenient location.

Because buses have the ability to travel the full length of Lighthouse Circle, a shelter at the entrance to the development would most likely not be utilized.

4. Building design features include (detailed plans will be submitted for staff review following approval of the CUP):
 - a. Buildings must have a multi-faceted exterior form;
 - b. Interesting and attractive architectural design;
 - c. Flat walls with minimal features are prohibited;
 - d. Buildings may not exceed 150 feet in length;
 - e. Buildings greater than 50' in length must incorporate wall projections or recesses with ground floor facades to include windows, entry areas, awnings or other features for at least 60% of their length;
 - f. Front entry garages must be recessed at least 12' behind the unit front wall;
 - g. At least two of the following building design elements must be included: horizontal projections, changes in roof elevations, roof dormers, hips or gables, or open balconies that project at least 6' from the front building plane;
 - h. An exterior lighting plan shall be submitted for staff review.

General Conformity with Plans

The 2030 Land Development Plan Future Land Use Map adopted in 2005 identifies this project area as high-density residential. This designation is consistent with both the current zoning and the existing residential uses in the immediate vicinity.

The Plan also includes a citizen survey to identify strengths, weaknesses, and opportunities as the town planned for its future. Listed as weaknesses are three items relevant to the type of use proposed by CU 16-04: 1) Too much multi-family development; apartments* (2 responders), 2) New home construction needs to be completed within a definite timeframe (1 responder), and 3) Need to develop existing sites (1 responder). Listed as opportunities were: Better comprehensive planning; careful zoning; limit heavy industry and supervise strip development (5 responders), and Planned growth in neighborhoods and commercial areas (5 responders). *The proposal is considered by staff to be mostly consistent with survey responses included in the Plan and consistent with the Plan's Future Land Use Map.*

* Multi-family dwellings in Aberdeen experienced a rapid increase in the period between 2000 and 2008. As a result of changes in zoning and market influences Aberdeen's residential development since that time has been almost entirely comprised of single family homes.

The Green Growth Toolbox (GGT), adopted by the Board of Commissioners in 2010, shows the site to be free of concerns.

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

Findings of Fact

The Board must consider the following findings of fact in recommending a decision to the Board of Commissioners regarding conditional use permits:

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

Recommendations and Suggested Motions

During their 5/19/16 meeting, the Planning Board made a unanimous recommendation for approval of CU #16-04, with conditions as indicated on the following pages. A Public Hearing was held on 6/27/16 and continued until 8/8/16 to allow opportunity for the applicant to meet with the existing Homeowners' Association and other interested parties to address concerns about the development plans.

Staff recommends that the Board accept public comment regarding Conditional Use Permit CU #16-04 during the continued public hearing scheduled for August 8, 2016 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 #16-04 (is/is not) within the jurisdiction of the Town Board according to the Table of Permissible Uses.
- Motion 2: CU #16-04 (is/is not) complete as submitted.
- Motion 3: CU #16-04, if completed as proposed, (will comply with all/will not comply with one or more) requirements of the UDO. If not, specify the requirement.
- Motion 4: CU #16-04 (satisfies/does not satisfy) Finding #1: will not endanger public health or safety. If not, list why.
- Motion 5: CU #16-04 (satisfies/does not satisfy) Finding #2: will not substantially injure the value of adjoining or abutting property. If not, list why.
- Motion 6: CU #16-04 (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 #16-04 (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 #16-04 based on the following: _____
- Issues approval of CU #16-04.
- Issues approval with conditions of CU #16-04 as follows.

Recommended Conditions

1. Conditional Use Permits (CUPs) run with the land and as such CU #16-04 applies to the entirety of the property reflected in Parcel IDs #00049527. 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 #16-04 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, landscaping and open space calculations showing compliance with UDO requirements, building plans and elevations showing compliance with requirements for multi-family developments, and evidence that proposed stormwater measures meet or exceed the requirements 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 twelve (12) multi-family units with construction documents generally based on the Sketch Overlay Plan submitted with the conditional use permit application.
5. Open Space shall comply with §152-163.14 (G). Prior to issuance of a Notice to Proceed, the developer shall provide the Planning Director with a copy of the Homeowner's Association with covenants to include a policy for maintenance of the open space, including any improvements such as walking trails. Covenants shall comply with the requirements of §152-179 and 180.
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. The 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.
8. Minimum front setback requirements shall be reduced to ten (10) feet for all proposed structures authorized by CU #16-04. The developer shall have the right-of-way and proposed structure footprints marked in the field and shall call for a zoning inspection by staff prior to digging footers so that setbacks may be verified.

9. In order to maintain continuity with the existing development pattern, sidewalks for the proposed structures shall be required to be installed between front entries to each unit and their respective driveway.
10. All additional conditions or requirements as provided by the Town of Aberdeen Unified Development Ordinance are enforceable with regards to proposal CU #16-04.

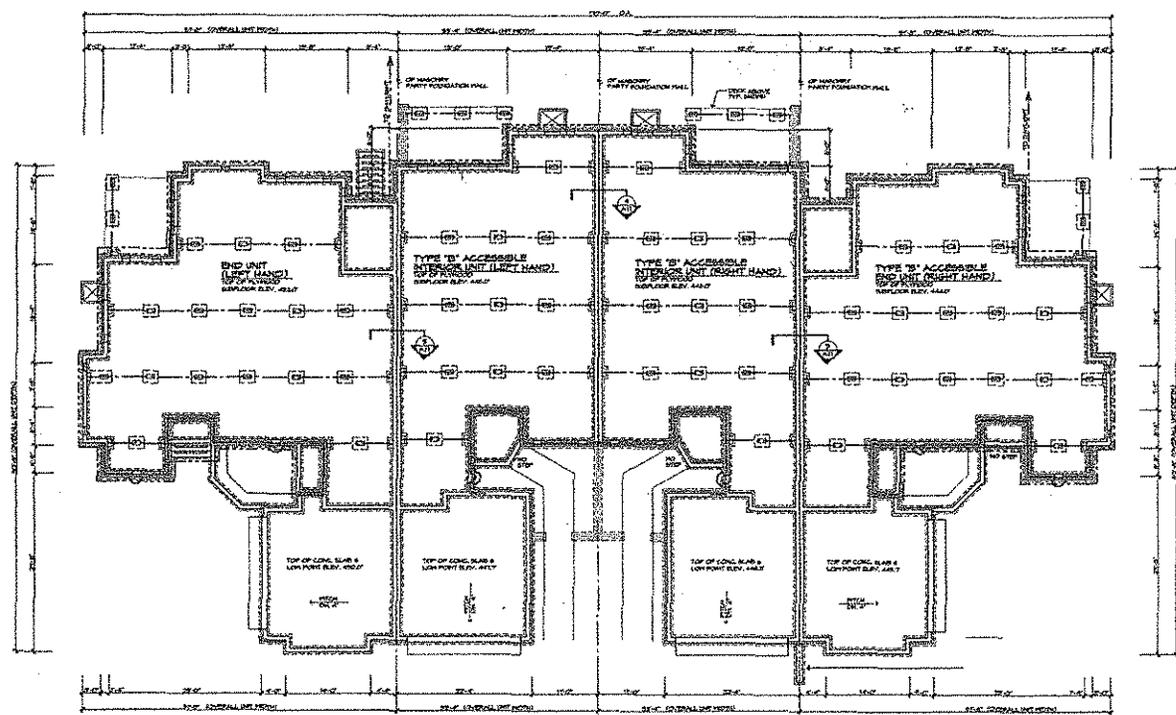
Enclosures: 2005 Approved Site Plan
2006 Elevations and Floor Plans
Vicinity Zoning Map
Green Growth Toolbox Assessment

REVISION	DATE	BY	APP'D

NEW TOWNHOUSES
LIGHTHOUSE TRACE
 CAMDENES BOULEVARD
 ASHERBORO, NORTH CAROLINA

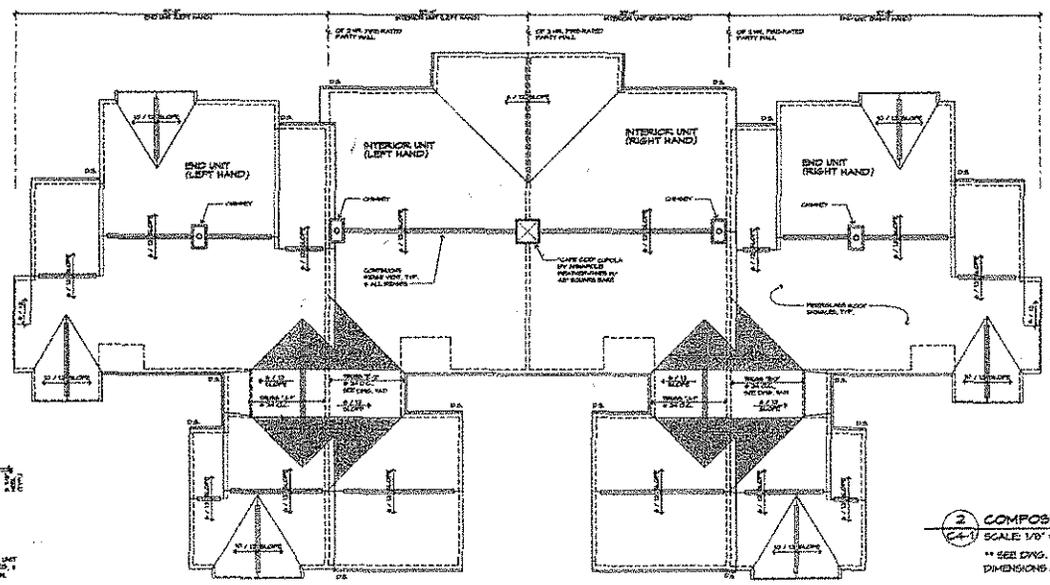
BUILDING #4
COMPOSITE FOUNDATION PLAN & ROOF PLAN

DATE: 14 JUNE 2008
 SCALE: 1/8" = 1'-0"
 BY: JESSE CHAO
 CHECK: JESSE CHAO
 1/8" = 1'-0"
C4-1



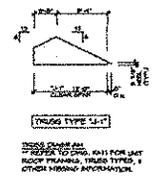
1
C4-1
COMPOSITE FOUNDATION PLAN
 SCALE: 1/8" = 1'-0"

** SEE DWG. 15 P. A1-RN, A6-RN, A1-LH & A6-LH FOR MISSING DIMENSIONS, NOTES AND OTHER INFORMATION



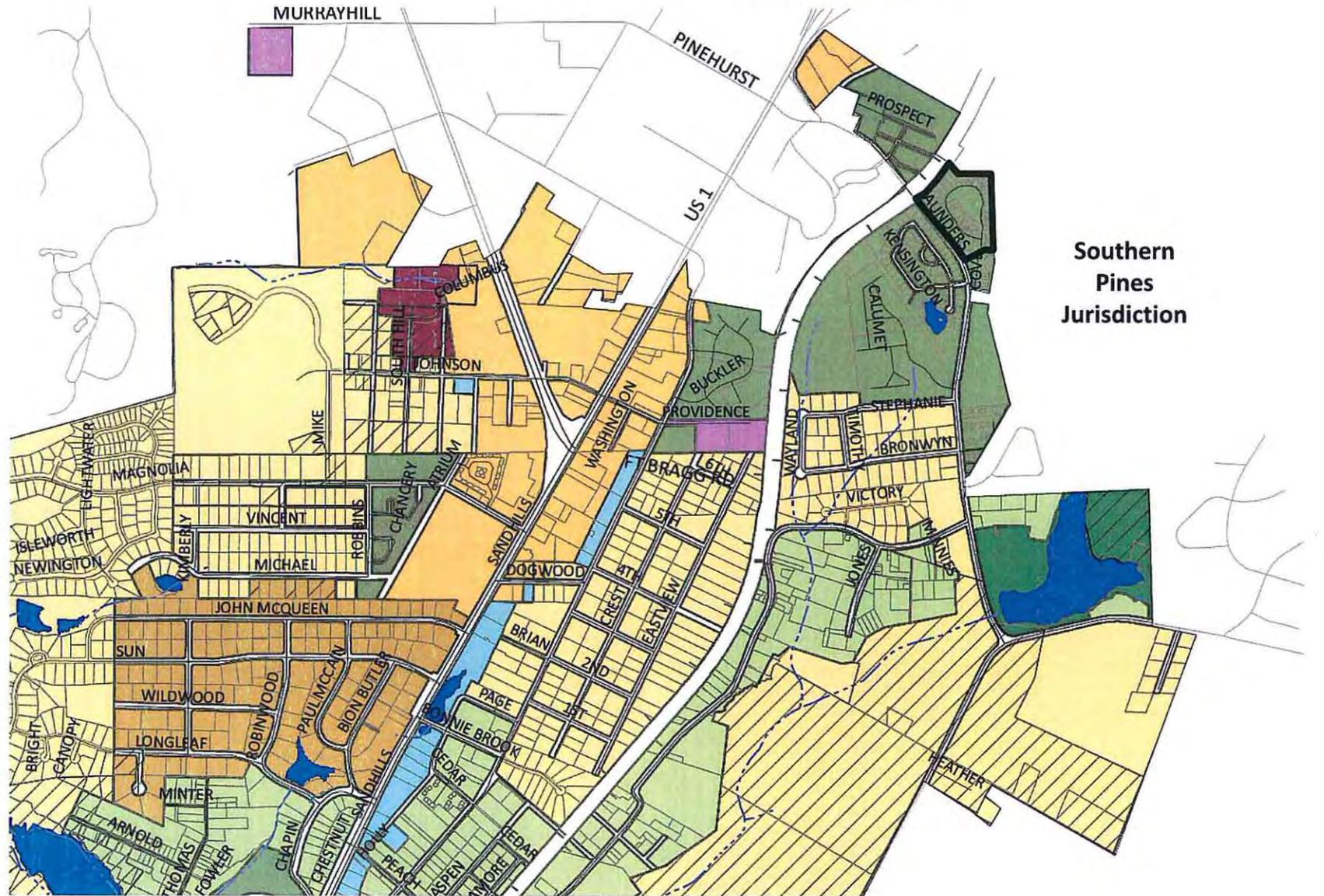
2
C4-1
COMPOSITE ROOF PLAN
 SCALE: 1/8" = 1'-0"

** SEE DWG. # A11 FOR MISSING NOTES, DIMENSIONS AND OTHER INFORMATION



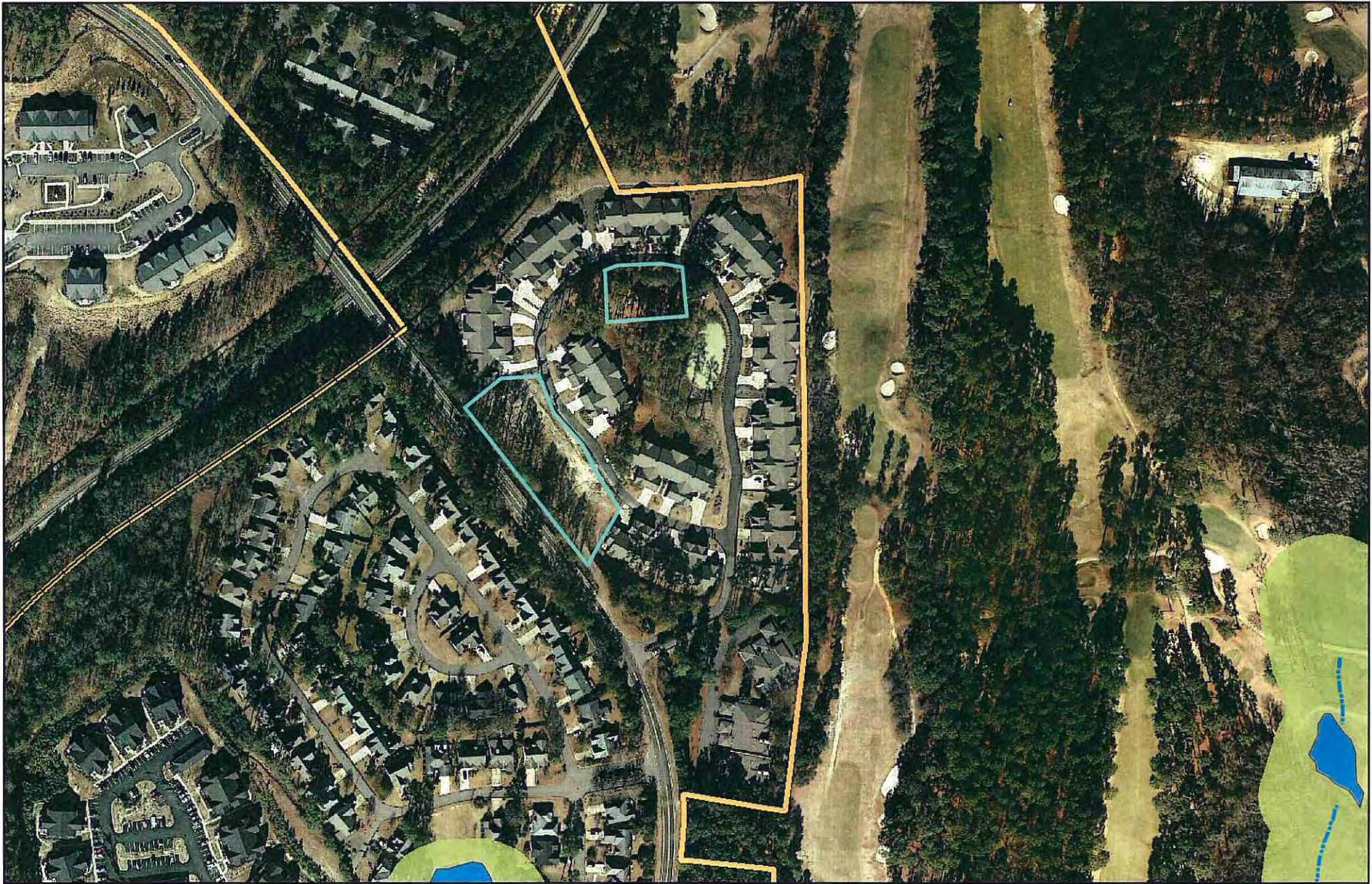
TRUSS TYPE LH-1
 REFER TO DWG. A11 FOR UNIT ROOF FRAMING, TRUSS TYPE, & OTHER MISSING INFORMATION

CZ #16-04– Vicinity Zoning



Southern
Pines
Jurisdiction

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		



Areas To Be Developed



Aberdeen Jurisdiction



Conditional Use Permit CU 16-04 Green Growth Toolbox Assessment

Stream



Recommended Stream Buffer



Memorandum



TO: Bill Zell

FROM: William Monroe

REFERENCE: Update on Broadway (Thomas Avenue Widening)

I have talked with most of the citizens in the Broadway community either in person or by mail with follow up calls. I feel that I have enough support that most of the property owners are willing to give up some property for the street widening. At this time I feel we need to have the complete street surveyed to see exactly what property the Town owns and exactly how much property each resident will have to give. This will allow the property to be marked allowing the residents to see how much property they will need to contribute for the project to move forward. The good news is that habitat has surveyed 30% of the area needed along Thomas Avenue by Ryan McBryde. This will most likely be the same surveyor that will complete the remainder of the survey work. If the aforementioned information is acceptable we will proceed with the project.



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 – August 8, 2016 Work Session

Request:

Minor Modification
to Conditional Use
Permit CU #15-06

Requested by:

Quality Inn of
Aberdeen

Prepared by:

Pamela Graham,
Planning Director

Description of Request

Dilip Mehta, Vice President of Laxmi Hotels Group, LLC and Sonya Sasser, General Manager of Aberdeen's Quality Inn request a Minor Modification to the Conditional Use Permit issued in 2015 for re-establishment of the hotel use at 1405 N Sandhills Boulevard.

This request is for partial relief from Condition e.5 and e.18. Justification for the request is detailed in the enclosed letter from Mr. Mehta.

§152-65 of the UDO provides for the permit issuing authority to approve minor design modifications or changes in permits. Minor design modifications or changes are defined as those that have no *substantial* impact on neighboring properties, the general public, or those intended to occupy or use the proposed development, but where the impact is considered to be *discernible*. Staff has determined the proposed changes are discernible but insubstantial, and is requesting a decision from the Board on approval of the modifications. A determination of substantial impact requires submittal of a new conditional use permit application, recommendation by the Planning Board, and public hearing.

Staff Recommendation

Staff recommends that the Board consider the request for Minor Modification to CU #15-06, with any appropriate conditions attached, and render a decision at their earliest convenience.

Enclosures: Letter from Dilip Mehta
Copy of CU #15-06
Police and Fire Comments

Quality Inn

1405N.Sandhills Blvd. Aberdeen.NC 28315

Pamela Graham

Planning Director, Town of Aberdeen

First of all we will like to thank you very much for all the help & guidance & support you and staff of Town of Aberdeen has given us.

Because of that we wear able to open the hotel .Thank you again.

At this time we will like to request Aberdeen Board of Commission to consider following change in our general operation Plan .We will greatly appreciate.

Item no 18

The rear driveway that leads to the adjacent property to the west shall remain closed by a barrier that requires a key to access.

Because of heavy traffic on US 1 this has become a very inconvenient for hotel guest. It is night mares for guest to take left turn coming out of hotel. Also in case of fire there is no any entry for fire Dept Except from US 1.

Item no 5

Visitors of registered guest shall be issued a visitor pass which shall be visible on the dashboard of their vehicle at all time while on property

This is very unusual thing to explain every guest check in our hotel so far we have notice when our desk Clark explain to them they are surprising and telling us they have never seen this kind of thing in any hotels. Because some guest has chosen not to stay at our hotel .

We do have armed security personnel 7 days a week from 10.00PM to 5 AM. We assure you that we will remove any visitor's car from parking lots between hours of 11PM to 8AM.

Please consider this our two request .At this time we have full fill all the general operation plan items including this two.

Thank you

Dilip Mehta

804-651-7111

DECISION OF THE TOWN OF ABERDEEN BOARD OF COMMISSIONERS

Case Number: Conditional Use Permit CU #15-06

Hearing: The Town of Aberdeen Board of Commissioners (“BOC”) conducted a Public Hearing on November 23, 2015 to consider Conditional Use Permit application CU #15-06 as submitted by Jitu Gandhi (“APPLICANT”) to allow a hotel use on property including all or part of PID #00047309 located at 1405 N. Sandhills Blvd.

FINDINGS OF FACT

1. Aberdeen Hotel, Inc. is the owner of record of property identified as Moore County PID #00047309 (the “Property”).
2. On October 2, 2015 the APPLICANT submitted an application for a Conditional Use Permit to operate a hotel on said property. Aberdeen Hotel, Inc. and its representatives are collectively referred to herein as the “APPLICANT.”
3. On October 6, 2015 the application was determined by staff to be complete.
4. The October 2, 2015 application proposes to remodel and re-establish the property as a hotel use.
5. The proposed site details are as follows:

Zoning	HC (Highway Commercial)
Adjacent Zoning	North: HC (Highway Commercial) East: HC (Highway Commercial) South: HC (Highway Commercial) West: HC (Highway Commercial)
Watershed	Property is not located in a protected watershed
Floodplain	N/A
Existing Use in Vicinity Project Area	Commercial, Multi-family Residential, storage, office
Existing Use on Property	Former hotel not currently in operation

6. On October 15, 2015 the Town of Aberdeen Planning Board voted to recommend approval with conditions of the conditional use permit application to the Town of Aberdeen Board of Commissioners.
7. Proper notice of the public hearing before the Board of Commissioners was given as required by State law and the Aberdeen Unified Development Ordinance (“UDO”).
8. UDO § 152-146, “Table of Permissible Uses,” authorizes hotel uses in the HC zoning district with the issuance of a conditional use permit. The Board of Commissioners (“BOC”) considers and approves or denies requests for conditional use permits.
9. As no evidence of the former hotel being issued a conditional use permit could be located, and the use had discontinued for a period exceeding 180 days, staff determined that a conditional use permit was required pursuant to UDO §152-127.
10. On November 23, 2015 the Board of Commissioners held a public hearing on the conditional use permit application. The Applicant was present to address the BOC and respond to questions.
11. All witnesses who presented evidence during the hearing were sworn in.

12. Planning Director Pamela Graham presented the proposal and staff report which were entered into the record.
13. 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.
14. If constructed in accordance with the proposal submitted and in compliance with the Town's Ordinances and Codes, the hotel use will be in general conformity with the 2030 Land Development Plan Future Land Use Map's designation of the project area for commercial uses.
15. That the conditional use shall, in all other respects, conform to the applicable regulations of the HC 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, Bob Koontz, has satisfied all of the requisite standards pursuant to the Town of Aberdeen Unified Development Ordinance, as submitted and subject to conditions.

DECISION

Based on these Findings of Fact and Conclusions of Law, the application for Conditional Use Permit CU #15-06 is approved subject to the following conditions.

- a. Conditional Use Permits (CUPs) run with the land and as such CU #15-06 applies to the entirety of the property reflected in Parcel ID #00047309. 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 #15-06 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.

- c. Building and Fire Inspections are to be required prior to beginning operation, all to be coordinated through Planning and Inspections Departments.
- d. 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.
- e. The proposal shall institute and maintain the following as part of their general operation plan:
 - 1. Rooms shall only be rented to persons with a current driver's license or state-issued identification;
 - 2. Rooms shall only be rented to persons arriving by vehicle with current license plates;
 - 3. Guest registration shall include vehicle license number and make and model of the vehicle;
 - 4. A parking pass shall be issued to all registered guests and shall be visible on the dashboard of the vehicle at all times while on the property;
 - 5. Visitors of registered guests shall be issued a visitor pass which shall be visible on the dashboard of their vehicle at all times while on the property;
 - 6. Vehicles on the property without either a guest pass or a visitor pass shall be towed;
 - 7. On-premise, armed security personnel shall be on site during the hours of 10:00 pm to 5:00 am, and any additional hours as established by the hotel management;
 - 8. Visitation of non-registered guests to guest rooms shall be prohibited between the hours of 11:00 pm and 8:00 am. Visitor vehicles on the property outside of these established hours shall be towed;
 - 9. Signs shall be prominently displayed on the property that state the towing policies as stated above;
 - 10. Aberdeen Police Department personnel shall have access to the guest registry at all times. If the custodian of the guest registry objects, the Police shall first obtain an administrative search warrant or a search warrant prior to inspecting the guest registry;
 - 11. Weekly rentals of rooms shall be prohibited;
 - 12. The Aberdeen Police Chief, or his designee, shall evaluate the exterior lighting on site prior to beginning operation and shall provide a written statement to the Planning Director and the applicant regarding the sufficiency of the lighting for security purposes. Approval of the conditional use is contingent on the statement's verification of sufficiency and on continued maintenance of sufficient lighting as determined by the Police Chief or designee;
 - 13. The Aberdeen Police Chief, or his designee, shall evaluate the function, quantity, and location of surveillance cameras on the property prior to beginning operation and shall provide a written statement to the Planning Director and the applicant regarding the sufficiency of the cameras as determined by the Police Chief or designee;
 - 14. Aberdeen Police Department personnel shall have access to surveillance cameras at all times;
 - 15. Signs shall be prominently displayed on the property that state that the property is protected by surveillance cameras;

- 16. All parking of vehicles shall be aligned with parking lines so that license plates may be easily viewed;
 - 17. The hotel manager shall live on site;
 - 18. The rear driveway that leads to the adjacent property to the west shall remain closed by a barrier that requires a key to access.
- f. Approval of the CUP shall not imply approval of signage. Sign permit applications consistent with the requirements of the UDO shall be reviewed and approved by the department prior to installation.
 - g. All additional conditions or requirements as provided from the Town of Aberdeen Unified Development Ordinance are enforceable with regards to the operations proposed by CU #15-06.

The foregoing Findings of Facts, Conclusions of Law, and Permit 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

Pam Graham

From: Tim Wenzel <timwenzel@aberdeenpolice.com>
Sent: Tuesday, August 02, 2016 1:32 PM
To: Pam Graham
Subject: RE: Quality Inn - request for changes in their requirements

Pam,

I do not have a problem with the opening of the back gate, in fact I agree with Mehta that it is difficult to get out of the PVA and I do think that emergency vehicles, especially police vehicles which would have better access on routine patrol. I do think that if the gate is opened, the Motel should have a camera pointing to that area to capture vehicles coming and going out the back.

On the issue of guest passes being displayed in their car windshields, I am not comfortable waiving this requirement at this point. Perhaps once the Motel was open for a period of time, I would be willing to revisit this issue.

Tim

From: Pam Graham [<mailto:pgraham@townofaberdeen.net>]
Sent: Tuesday, August 02, 2016 10:54 AM
To: Tim Wenzel <timwenzel@aberdeenpolice.com>
Subject: FW: Quality Inn - request for changes in their requirements

Pamela Graham, AICP, PLA, CZO
Planning Director, Town of Aberdeen
910.944.7024



Aberdeen

From: Pam Graham
Sent: Friday, July 29, 2016 8:42 AM
To: Tim Wenzel (timwenzel@aberdeenpolice.com); Phillip Richardson
Subject: Quality Inn - request for changes in their requirements

Good Morning Gentlemen,

Mr. Mehta plans to come to the Board on 8/8 to request two changes in their requirements (see attached letter). If you or your staff could review this and provide some comments in writing (email is fine) for me to give to the Board I am sure they would appreciate it.

Pam Graham

From: Phillip Richardson
Sent: Friday, July 29, 2016 2:47 PM
To: Pam Graham
Subject: RE: Quality Inn - request for changes in their requirements

Pam,

Under the old owners we allowed for the side entrance to be controlled access to help with the other issues they were having (Law Enforcement). The fire department stand is that the side entrance being left open would help with access in an emergency and is allowed by fire code. We would like to see the entrance open at all times. If you have any additional questions please do not hesitate to contact me.

Thanks,

Phillip L. Richardson Jr.

Fire Chief - Town of Aberdeen
800 Holly Street
Aberdeen, NC 28315
910/944-7888



From: Pam Graham
Sent: Friday, July 29, 2016 8:43 AM
To: Tim Wenzel (timwenzel@aberdeeenpolice.com); Phillip Richardson
Subject: Quality Inn - request for changes in their requirements

Good Morning Gentlemen,

Mr. Mehta plans to come to the Board on 8/8 to request two changes in their requirements (see attached letter). If you or your staff could review this and provide some comments in writing (email is fine) for me to give to the Board I am sure they would appreciate it.

Regina's deadline for packet items is next Wednesday.

Pamela Graham, AICP, PLA, CZO
Planning Director, Town of Aberdeen
910.944.7024



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:** 7/13/16

Agenda Item Title: Request for a One Year Extension to Conditional Use Permit CU #05-06 for Sandy Springs Subdivision

Work Session - Board Action (date of meeting should be filled in on line) :
Information Only _____
Public Hearing _____
Approval at work session - immediate action 8/8/16

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:

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



MEMORANDUM TO THE BOARD OF COMMISSIONERS – August 8, 2016

Request:

Extension for
Conditional Use
Permit CU #05-06

Requested by:

Bob Stafford

Prepared by:

Pamela Graham,
Planning Director

Description of Request

Staff has been in preliminary discussion with Bob Stafford and Tammy Lyne regarding continued development in the Sandy Springs Subdivision. Originally approved in 2005 as a Residential Planned Development, the project has completed Phase One and a portion of Phase Two, which was broken into sections. Mr. Stafford has interest in completing the development and has been advised by staff that the Conditional Use Permit issued in 2005 is due to expire in September of this year.

§152-63 of the UDO states that: “ *...if, after some physical alteration to land or structures begins to take place, such work is discontinued for a period of one (1) year, then the permit authorizing such work shall immediately expire.*” Furthermore, “*The permit-issuing authority may extend for a period up to one (1) year the date when a permit would otherwise expire ... if it concludes that: (1) The permit has not yet expired, (2) The permit recipient has proceeded with due diligence and in good faith, and (3) Conditions have not changed so substantially as to warrant a new application.*”

Staff research reveals the following:

1. CU #05-06 authorized use of the property for a residential planned development on November 14, 2005.
2. The Final Plat for Phase 1 was signed on 12/22/2006 following CUP approval and construction of the roads and most of the related infrastructure.
3. Mr. Stafford later sought to break Phase 2 into various sections, and as such Phase 2A, Sections 1, 2, and 3 received Final Plat approvals in February and June of 2012.

4. The final inspection for the last house built in Phase 2A was passed on 9/22/2015. There has been no additional land development activity on the property since that time. 9/22/2016 will mark the end of the one-year timeframe, after which the CUP will have expired.

Additional Items for Consideration

The Board should also be aware of an issue regarding the second entrance into the development that was approved in 2005. The Preliminary Plat approved with the CUP called for a second entrance near the northwestern corner of the development, in the vicinity of Pee Dee Road and Blyther Street. The road was built with a stub-out for future connection to Pee Dee Road but the connection was never made. As noted in the enclosed Internal Memo dated 9/26/2014, it is staff's contention that the second entrance should have been completed prior to any activity or approvals for Phase 2. In order to insure the completion of this work, staff recommends that the Board make any approval of extension for CU #05-06 contingent on the following:

1. The second entrance be completed within a fixed period of time;
2. All NCDOT requirements regarding the second entrance be complied with; and
3. A performance guarantee, issued in the same manner and subject to the same requirements as performance guarantees given per UDO § 152-53, be provided to the Town for the completion of all work associated with the construction of the second entrance.

Staff Recommendation

Staff recommends that the Board consider the request for extension to CU #05-06, using the following criteria and contingent on the following conditions:

1. Sandy Springs Road between Lots 10 and 36 as shown on the enclosed Phase 1 Final Plat shall make connection with Pee Dee Road no later than _____ (this may be a date certain or following completion of a certain percentage of the remaining development),
2. All NCDOT and Town of Aberdeen requirements regarding completion of the second entrance shall be complied with,
3. A performance guarantee shall be provided to the Town, in the same manner as performance guarantees given per UDO § 152-53, be provided to the Town for the completion of all work associated with the construction of the second entrance, payable to or in favor of the Town and in an amount equal to 125% of the cost of construction of the second entrance. Such estimated cost shall be in the form of a document signed and sealed by a Professional Engineer licensed to practice in the State of North Carolina and approved in a separate action by the Town Board of Commissioners.

Motion 1: CU #05-06 (has/has not) expired as of this date.

Motion 2: The permit recipient, Stafford Land Company, (has/has not) proceeded with the project authorized by CU #05-06 with due diligence and in good faith,

Motion 3: Conditions relative to CU #05-06 (have/have not) changed so substantially as to

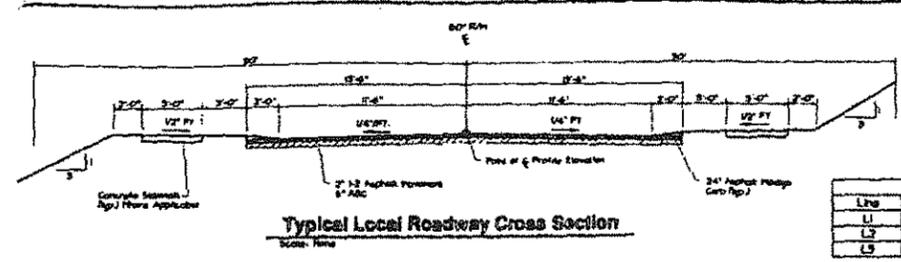
warrant a new application.

Motion 4: The Aberdeen Board of Commissioners:

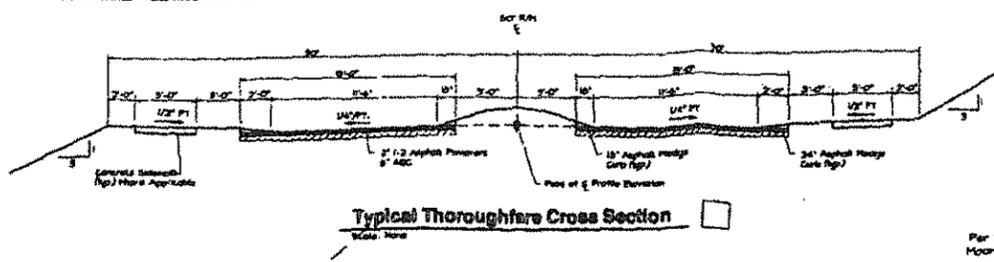
- Issues denial of the extension request for CU #05-06.
- Issues approval of the extension request for CU #05-06.
- Issues approval with conditions of the extension request for CU #05-06 as follows.

1. Sandy Springs Road between Lots 10 and 36 as shown on the enclosed Phase 1 Final Plat shall make connection with Pee Dee Road no later than _____.
2. All NCDOT and Town of Aberdeen requirements regarding completion of the second entrance shall be complied with.
3. A performance guarantee shall be provided to the Town, in the same manner as performance guarantees given per UDO § 152-53, payable to or in favor of the Town and in an amount equal to 125% of the cost of construction of the second entrance. Such estimated cost shall be in the form of a document signed and sealed by a Professional Engineer licensed to practice in the State of North Carolina and approved in a separate action by the Town Board of Commissioners.

Enclosures: Sandy Springs Preliminary Subdivision Plan
CU #05-06 Approval Document dated 11/14/2005
Subdivision Layout Plans – Phase 1, Phase 2A Sections 1, 2 and 3
NCDOT Comments dated 7/7/2005 and 6/14/2006
Internal Memo dated 9/26/2014 from Pamela Graham to Rickie Monroe



Line	Length	Bearing
L1	39.66	N74°22'42"W
L2	103.84	N57°41'14"E
L3	163.21	N69°58'36"W



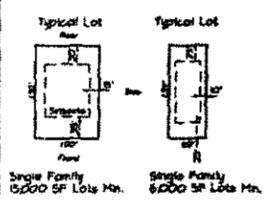
Per D.B. 544, PG 100
Moore County Registry

General Notes:

This map is not in accordance with 66-41-30.
Area by coordinate method.
Property is located in a 100-year waterway notated.
This property does not lie in a designated FEMA Flood Hazard Zone.
Contour Interval 2' based on GIS data. (Mean Sea Level)
Property Currently Zoned R-20 Per Town of Aberdeen
This is a preliminary subdivision layout for display purposes only. This map was prepared from boundary survey by NSE, dated Jan. 2004, for Lee Paving.
Waterline to be extended from Dolle Lane to serve the property and Sanitary Sewer will be extended SW along the right-of-way of Pine Dale Rd to serve the property.

Legend:

- Right of Way
- Boundary Line
- Adjacent Property Lines not Surveyed
- Proposed Lot Lines
- Existing Contour
- Centerline of Proposed Right-of-Way
- Phase Lines
- Existing Fire Hydrant



References:

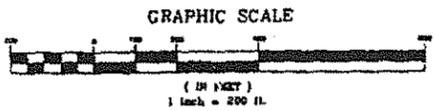
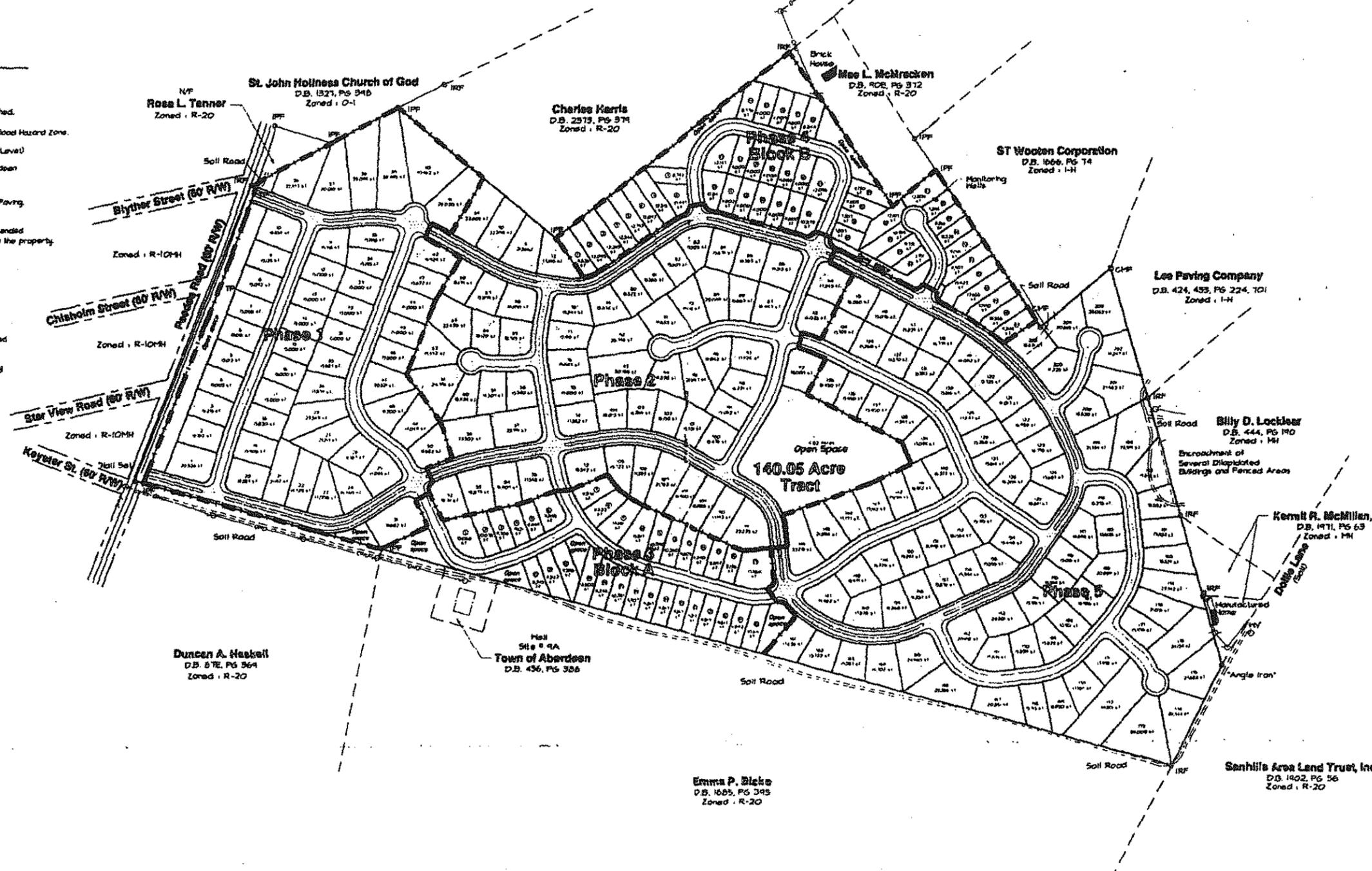
Deed Book 548, Page 190
Deed Book 1064, Page 137
Moore County North Carolina

Owner/Developer/Applicant

Stafford Land Company
346 Valleyfield Lane
Southern Pines, North Carolina 28587
Attn: Bob Stafford
Ph: 910-642-4808

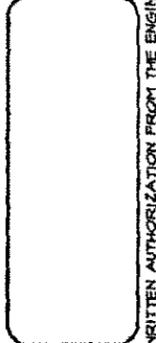
Proposed Lots/Units

Single Family 15,000 SF Lots Minimum = 206
Single Family (Block A) 6,000 SF Lots Minimum = 32
Single Family (Block B) 6,000 SF Lots Minimum = 41
Total number of dwellings = 285



Preliminary Subdivision Plan (Sandy Springs)
Scale: 1" = 200'

Office: Stafford Land Company
Product: 140 acre Subdivision (Sandy Springs)
Scale: 1" = 200'
Date: 08/2005
Location: Aberdeen, NC
Drawing No.: OS17218
Drawing Key: C1 of 1
Prepared by: [Signature]



Neal Smith Engineering, Inc.
2732 Laurel St., Suite 111
Aberdeen, NC 28003
Phone: (716) 675-2222
Fax: (716) 675-2222
www.neal-smith.com



PRELIMINARY
not for
CONSTRUCTION

CUSTOMER NUMBER:
JOB NUMBER:
DRAWING KEY:
OS17218
C1 of 1

Revised: 7/2/05 Removed town homes & Added Foothills Park, Lots A54

THIS DRAWING IS THE PROPERTY OF NEAL SMITH ENGINEERING, INC., AND MAY NOT BE REPRODUCED WITHOUT WRITTEN AUTHORIZATION FROM THE ENGINEER. THIS DRAWING IS VOID WITHOUT ORIGINAL SIGNATURE AND SEAL.

Conditional Use Permit

CU#05-6

Town of Aberdeen, NC

The Board of Commissioners of the Town of Aberdeen, North Carolina, having held a meeting and Public Hearing on the 8th day of August, 2005, to consider an application submitted by Stafford Land Company, for a Conditional Use Permit for a residential planned development located on the east side of Pee Dee Road across from Blyther Street and Keyser Street, more specifically described on the Moore County Tax Listing Records/Maps as PIN(s) 847902775771 and LRK#(s) 00051757. Having heard all of the evidence and arguments presented at the Public Hearing, makes the following findings:

- A. That 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;
- B. That 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;
- C. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- D. That the exterior architectural appeal and functional 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 a substantial depreciation in the property values within the neighborhood;
- E. That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided;
- F. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
- G. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located except as such regulations may in each instance be modified by the Board of Commissioners pursuant to the recommendation of the Planning Board.

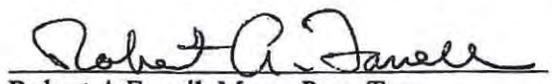
Should any of the above conditions or any of the conditions on the attached page(s) hereto be invalid, this permit shall become null and void and of no effect.

Approved: Denied:

This the 14th day of November, 2005.

Attest:

Nancy M. Matthews, Town Clerk


Robert A. Farrell, Mayor Pro - Tem

Seal

Conditional Use Permit

CU#05-06

Town of Aberdeen

Additional Conditions

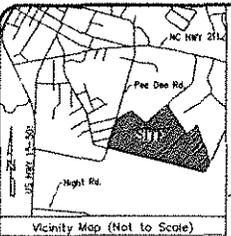
- 1) Required concrete valley curbs and gutters.
- 2) Approval of the unit layout plan, lot sizes, number of lots and other related plans attached to the latest version of the application(s).

Approved: Denied: This the 14th day of November, 2005.

Attest:


Robert A. Farrell, Mayor Pro-Tem


Nancy M. Matthews, Town Clerk



Certificate of Approval
 I hereby certify that all streets shown on this plot are within the Town of Aberdeen's planning jurisdiction, all streets and other improvements shown on this plot have been installed or completed or that their installation or completion (within 12 months after the date below) has been assured by the posting of a surety bond or other sufficient surety, and that the subdivision shown on this plot is in all respects in compliance with Aberdeen Code of Ordinance Chapter 152, and therefore this plot has been approved by the Town of Aberdeen subject to its being recorded in the Moore County Register of Deeds within sixty (60) days of the date below.

Katherine J. Liles 2/17/12
 Planning Director Date

The sediment trap located on lots 69 & 70 serves Sandy Springs Phase 2A Section 1 Subject to a DENR approved Sedimentation & Erosion Control Plan: Moore 2008-019. At each time as DENR cleans the site stable, complete, the infrastructure shall be removed from the property by the permit holder.

Certificate of Ownership and Dedication
 I hereby certify that I am the owner of the property described hereon, which property is located within the subdivision regulation jurisdiction of the Town of Aberdeen, and I hereby freely adopt this plan of subdivision and dedicate to public use all areas shown on this plan as streets, alleys, walks, parks, open space, and easements, except those specifically indicated as private and that I will maintain all such areas until the offer of dedication is accepted by the appropriate public authority. All property shown on this plan as dedicated for a public use shall be deemed to be dedicated for any other public use and authorized by law when such other use is approved by the Aberdeen Board of Commissioners in the public interest.

Matthew P. Liles 2/13/12
 Owner Date

State of North Carolina
 County of Moore
MATTHEW P. LILES
 Review Officer of Moore County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Certificate of Approval for Recording
 I hereby certify that the subdivision plot shown hereon has been found to comply with the Subdivision Regulations of the Town of Aberdeen, North Carolina and that this plot has been approved by the Town of Aberdeen for recording in the office of the Register of Deeds of Moore County.

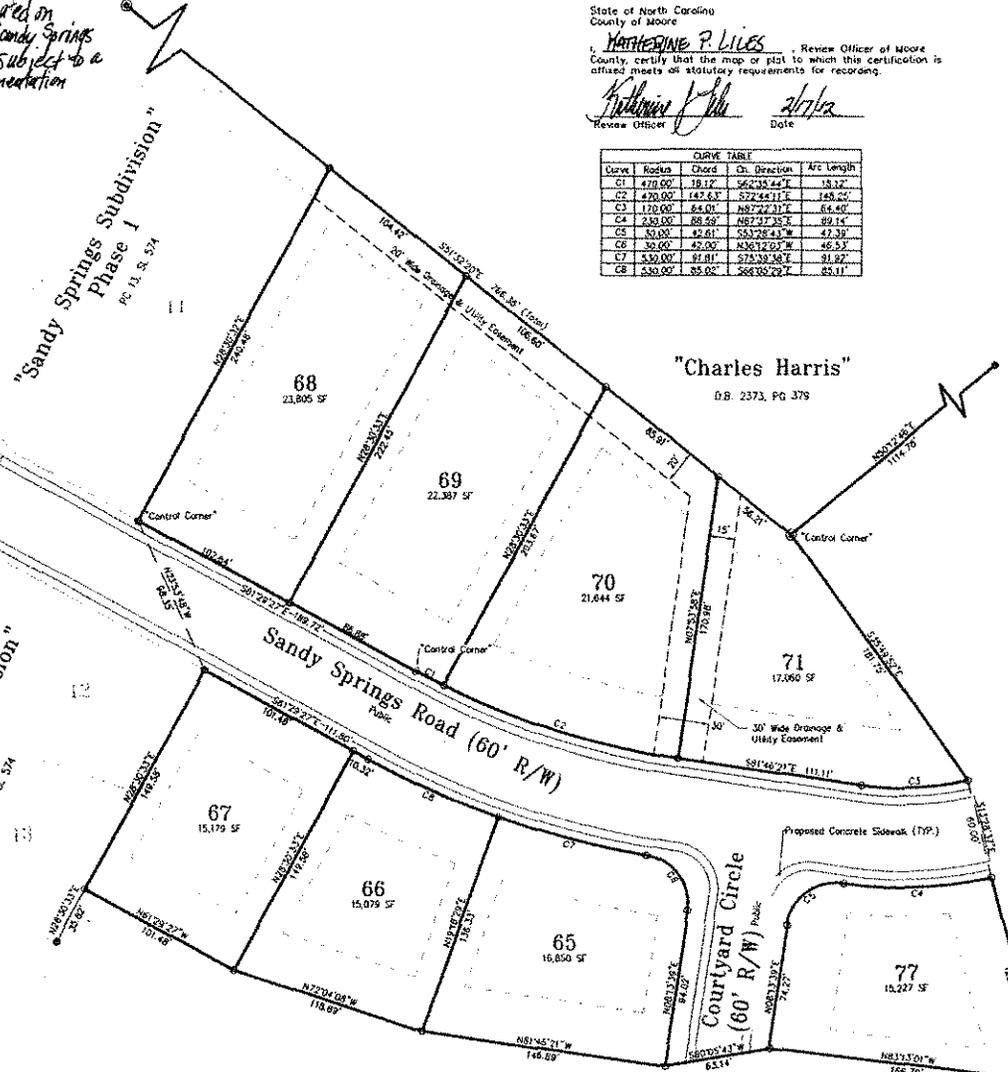
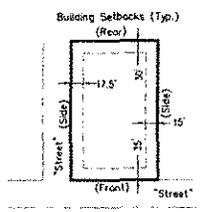
Katherine J. Liles 2/17/12
 Planning Administrator Date

- Legend:**
- Iron Pipe Found
 - Iron Rod Found
 - Iron Rod Found
 - Iron Rod Found
 - Concrete Monument Found
 - Concrete Monument Found
 - PK Nail Found
 - PK Nail Found
 - Sewer Manhole
 - Sewer Chanoval
 - Fire Hydrant
 - Water Valve
 - Water Meter
 - Telephone Pedestal
 - Cable Pedestal
 - Power Stub Out
 - Light Pole
 - Utility Pole
 - HWK
 - Electrical Transformer
 - Sign
 - Sprinkler Head
 - Corrugated Metal Pipe
 - Reinforced Concrete Pipe
 - 12" Pine Tree (Typ.)
 - 12" Hardwood (Typ.)
 - Existing Boundary Line
 - Existing Right of Way
 - Boundary Lines not Surveyed
 - Existing Contour Line
 - Building Setback Line
 - Existing Fence line
 - Existing Water line
 - Existing Sewer line
 - Existing Overhead Utilities
 - Existing Soil Road
 - Existing Gravel Road
 - Existing Wetland Limits

- Notes:**
- This map is in accordance with GS 47-30 as amended.
 - Area by coordinate method.
 - Dimed lines not surveyed, drawn from information as indicated.
 - There are no visible encroachments other than those shown hereon.
 - Total area of Phase 2A, Section 1 is 4.26 Acres.

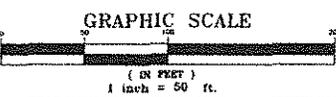
Reference:
 Plat C000113, Side 574
 Deed Book 3350, Page 257
 Moore County, North Carolina

Owner's Address:
 Stafford Land Company, Inc.
 248 Waterland Lane
 Southern Pines, NC 28587
 Tel. (919) 692-5908



CURVE TABLE

Curve	Radius	Chord	Ch. Direction	AFC Length
C1	470.00'	18.12'	S62°34'44"W	18.32'
C2	470.00'	142.83'	S72°42'11"E	143.20'
C3	172.00'	84.01'	N87°27'11"E	84.65'
C4	250.00'	88.59'	N87°27'35"E	89.14'
C5	330.00'	42.61'	S53°28'43"W	42.39'
C6	30.00'	42.00'	N36°12'03"W	46.53'
C7	330.00'	81.01'	S73°38'36"E	81.87'
C8	630.00'	85.02'	S64°00'22"E	85.11'



I, M. Shane Sanders, certify that this plot was drawn under my supervision from an actual survey made under my supervision (Deed description recorded in Book 3350, Page 257); that the boundaries not surveyed are clearly indicated as drawn from information as indicated; that the ratio of precision as calculated is 1:20,000+; that this plot was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this 17th day of February, A.D. 2012.

M. Shane Sanders
 Professional Land Surveyor
 L-4476
 Registration Number



I, M. Shane Sanders, a Professional Land Surveyor L-4476, certify that this plot is a survey that created a subdivision of land within the area of the county or municipality that has an ordinance that regulates parcels of land.

M. Shane Sanders
 Professional Land Surveyor
 L-4476
 Registration Number



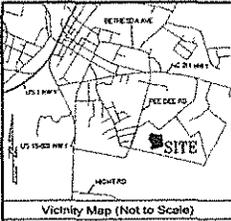
Stafford Land Company, Inc. Employees Profit Sharing Plan and Trust
 D.B. 3303, PG. 202

FILED 15 SLIDE 580
 2012 FEB 20 A 11:51
 MISS JUDY D. MARTIN
 REGISTER OF DEEDS - MOORE COUNTY
 COURTHOUSE, NORTH CAROLINA 28577

Neal Smith Engineering, Inc.
 139 Pinhurst Avenue - Suite C
 Southern Pines, NC 28387
 Phone: (910) 695-8825
 Fax: (910) 695-8832
 www.nseengineering.com
 Licenses C-1425

Survey For:
**Sandy Springs Subdivision
 Phase 2A, Section 1
 8 Lots**
 Sandhill Township, Moore County
 Aberdeen, North Carolina
 February 01, 2012 JOB# 0517218
 Drawn By: MSS

THIS DRAWING IS THE PROPERTY OF NEAL SMITH ENGINEERING, INC., AND MAY NOT BE REPRODUCED WITHOUT WRITTEN AUTHORIZATION FROM THE SURVEYOR. THIS DRAWING IS VOID WITHOUT ORIGINAL SIGNATURE AND SEAL.



I, M. Shane Sanders, certify that this plat was drawn under my supervision from an actual survey made under my supervision (see description recorded in Book 3360, Page 257); that the boundaries not surveyed are clearly indicated as drawn from information as indicated; that the ratio of precision as calculated is 1:20,000+; that this plat was prepared in accordance with G.S. 47-39 as amended. Witness my original signature, registration number and seal this 21 day of June, A.D., 2012

M. Sanders
Professional Land Surveyor
L-4476
Registration Number



Reference:
Plat Cabinet 15, Slide 674
Deed Book 3360, Page 257 Moore County Registry
Date:
Stafford Land Company, Inc.
246 Wadesfield Lane
Southern Pines, NC 28387
Tel: (910) 692-9808

North
Per FC 13, SL 574

General Notes:

- This map is in accordance with GS 47-30, as amended.
- This property is not a water supply watershed.
- Area by coordinate method.
- Dashed lines not surveyed, drawn from information as indicated.
- There are no visible encroachments other than those shown herein.
- Total area of Phase 2A Sections 2 & 3 is 9.97 Acres.
- There is a permanent drainage berm installed on Lot 60 within the 30' drainage easement.
- Lot 55 side setback line is 20' to match the drainage easement.

Certificate of Approval for Recording
I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Town of Aberdeen, North Carolina, and that this plat has been approved by the Town of Aberdeen for recording in the Office of the Register of Deeds of Moore County.
Katherine P. Liles 8/14/12
Planning Administrator
Aberdeen, North Carolina
Date

Certificate of Approval of the Design and Installation of Streets, Utilities and other required Improvements
I hereby certify that all streets, utilities and other required improvements have been installed in a manner approved by the appropriate state or local authority and according to Town specifications and standards in the Sandy Springs Subdivision or that quarters of the required improvements in an unobstructed and manner satisfactory to Town of Aberdeen has been received.
Katherine P. Liles 8/14/12
Subdivision Administrator
Aberdeen, North Carolina
Date

Certificate of Generation and Occupancy
I hereby certify that I am the owner of the property shown and described herein, which is located in the subdivision jurisdiction of the Town of Aberdeen and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines and dedicate all streets, alleys, walks, parks and other sites and easements to public or private use as noted. Furthermore, I hereby dedicate all sanitary, storm sewer and water lines to the Town of Aberdeen.
M. Sanders 8/14/12
Date

Sidewalk Surety must be posted for each entire section prior to issuance of a building permit within that section subject to a minor modification of the conditional use permit approved on 8/14/12 by the Town of Aberdeen
Katherine P. Liles
Planning Director

I, M. Shane Sanders, a Professional Land Surveyor L-4476, certify that this plat is of a survey that created a subdivision of land within the area of the county or municipality that has an ordinance that requires streets of land.
M. Sanders
Professional Land Surveyor
L-4476
Registration Number
Date: 6/21/12

Stafford Land Company, Inc.
Employers Profit Sharing Plan and Trust
498.52 Acres Remaining

MRS. JUDY D. MARTIN
REGISTER OF DEEDS - MOORE COUNTY
CARTHAGE, NORTH CAROLINA 28327
812 3EP-5 A 9 50
PLAT CABINET 15, SLIDE 740

- Legend:**
- Iron Pipe Found
 - Iron Pipe Set
 - Iron Rod Found
 - Iron Rod Set
 - Concrete Monument Found
 - Concrete Monument Set
 - PK Nail Found
 - PK Nail Set
 - Sewer Manhole
 - Sewer Manhole Set
 - Fire Hydrant
 - Water Valve
 - Water Meter
 - Telephone Pedestal
 - Cable Pedestal
 - Power Slab Cut
 - Light Pole
 - Utility Pole
 - FMAC
 - Electrical Transformer
 - Sign
 - Sprinkler Head
 - Corrugated Metal Pipe
 - Reinforced Concrete Pipe
 - 12" Pine Tree (Typ.)
 - Handicap (Typ.)
 - Existing Boundary Line
 - Boundary Lines not Surveyed
 - New Lot Lines
 - Building Setback Line
 - Existing Fence/Line
 - Existing Right of Way

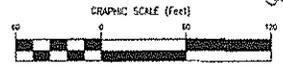
LINE TABLE

Line	Length	Bearing
L1	22.00'	N07°13.33' E
L2	2.36'	S09°11.39' W
L3	21.70'	S82°23.58' W
L4	23.33'	N89°44.21' W
L5	23.33'	S85°44.71' E
L6	23.68'	N82°42.58' E

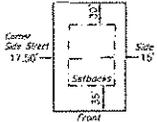
Survey for:
Sandy Springs Subdivision
Phase 2A, Section 2 & 3
19 Lots
Final Plat
Sandhill Township, Moore County
Aberdeen, North Carolina
June 21, 2012 - Project # 1210201
Scale = 1"=60'
Drafter: MSS

275 S. Bennett St., Suite A
Southern Pines, NC 28387
Phone: (910) 246-0938
NC License # C-3791
www.snsengineering.com
SNS ENGINEERING
Delivering efficient solutions...
ENGINEERING | SURVEYING | PLANNING

"Sandy Springs Phase 1"
Plat Cabinet 13, Slide 574



Typical Lot Setbacks



CURVE TABLE

Curve	Radius	Chord	Ch. Direction	Arc Length
C1	50.00'	43.15'	S89°02'45" E	43.00'
C2	970.00'	85.04'	S67°31'52" W	86.00'
C3	970.00'	127.42'	S75°53'47" W	127.50'
C4	970.00'	78.19'	S78°29'45" W	78.18'
C5	30.00'	43.03'	N65°05'21" E	43.33'
C6	30.00'	108.94'	S15°08'51" E	107.17'
C7	478.00'	110.31'	S16°48'25" E	110.59'
C8	30.00'	47.70'	S34°32'51" W	48.01'
C9	30.00'	42.29'	N65°05'21" E	42.37'
C10	478.00'	61.15'	S65°49'08" E	62.21'
C11	478.00'	91.88'	S02°47'51" W	91.82'
C12	30.00'	68.18'	S67°27'02" W	69.19'
C13	30.00'	43.03'	N65°05'21" E	43.33'
C14	478.00'	68.61'	N05°43'07" E	68.67'
C15	478.00'	77.53'	N05°28'02" E	77.51'
C16	25.00'	18.24'	S64°18'21" E	18.69'
C17	30.00'	43.92'	N65°05'21" E	44.02'
C18	30.00'	39.34'	S65°48'27" W	40.43'
C19	30.00'	44.23'	S16°21'15" W	45.82'
C20	30.00'	46.68'	S37°42'21" E	48.24'
C21	30.00'	43.03'	N65°05'21" E	43.33'
C22	25.00'	7.28'	S52°48'17" W	7.31'
C23	25.00'	11.26'	S21°13'17" W	11.38'
C24	30.00'	66.46'	S09°55'31" E	67.41'
C25	30.00'	43.69'	S65°04'21" E	44.02'
C26	30.00'	41.22'	N64°04'10" W	41.93'
C27	30.00'	42.43'	N64°19'41" E	42.17'
C28	1050.00'	159.01'	S74°04'04" W	159.17'

State of North Carolina
County of Moore
KATHERINE P. LILES
Review Officer of Moore County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.
Katherine P. Liles 8/14/12
Review Officer
Date



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

ABERDEEN DISTRICT OFFICE

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Scott Matthews	Marcus A Jones PE
COMPANY:	DATE:
NSE	07/07/05
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
910 695-8832	1
PHONE NUMBER:	RE:
910 695-8825	Preliminary Review Sandy Springs SD SR 2083 (Pee Dec Rd) MOORE

NOTES/COMMENTS:

We have reviewed the subject, and in accordance with our site visit and Access Policy, we have the following comments:

1. A development of this size will generate enough traffic to trigger the requirement for a Traffic Impact Study. However, the two most effected intersections (NC211 & US 15/501) are already under consideration for improvement by the Department and will not be additionally effected by the developments traffic.
2. Right and Left Turn Lanes will be needed for both accesses off SR 2083. The auxiliary lanes need to be configured with appropriately designed (see Driveway Policy) tapers and storage on the outside of the two accesses and a continuous 2-way left between them.

Thank you, and we look forward to receiving the driveway permit application and the construction plans for review and approval. Should you have any questions or concerns, please advise.

cc: Giles Hopkins 994-7459



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

June 14, 2006

COUNTY: MOORE

SUBJECT: DRIVEWAY PERMIT - SR 2063 (PEE DEE ROAD)
SANDY SPRINGS SUBDIVISION-PHASE I

FILE: 63-82860

Mr. Robert Stafford
Stafford Land Company
246 Valley Lane
Southern Pines, North Carolina 28387

Dear Mr. Stafford:

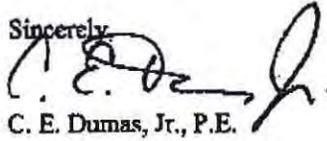
Attached for your information and file is an approved copy of the Driveway Permit listed for the above location. This permit is valid only if the special provisions (attached) are followed completely.

- Attached Special Provisions
- Attached plan sheet.
- Attached driveway plan /profile drawings
- Bond or irrevocable letter of credit in the amount of \$80,000.00.

NOTE: This driveway is for the phase I access only, the Phase II driveway opposite Blythcr Street (SR 2179) should be applied for when Phase II is developed.

If this office can be of further assistance, please advise.

Sincerely,


C. E. Dumas, Jr., P.E.
District Engineer

CED/tbr

Attachments

c: Tim Johnson, P.E.
S. Foster, P.E.
File

P.O. Box 1067, Aberdeen, North Carolina 28315-1067
Phone (910) 944-2344 Fax (910) 944-5623



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

Internal Memo **September 26, 2014**

To: Rickie Monroe, Public Works Director

From: Pamela Graham, Planning Director

RE: Sandy Springs Subdivision

Rickie:

Per your request I have located copies of documents related to the original approval for Sandy Springs and assessed the issue of the second entrance to Pee Dee Road, not yet constructed. My findings are as follows:

1. Enclosed is a copy of the submittal by staff to the Board of Commissioners for consideration of the Conditional Use Permit (CUP) for the project, dated 7/21/05. Included with this submittal is a Preliminary Subdivision Plan being considered for approval indicating that Phase 1 includes two streets that connect with Pee Dee Road. As you know, the southern-most of those two streets was installed to make a connection with Pee Dee Road (Sandy Springs Road) and the northern street was built with a stub-out just shy of Pee Dee for connection to Pee Dee at a later date. I cannot locate any record of an agreement for the delay of the second connection.
2. Also enclosed is a copy of the approval document for the CUP. Please note items E and F on the first page and item #2 on the second. It is my interpretation that the approval requires that the development be constructed as shown on the plans included in the submittal. Completion of the second access to Pee Dee Road should have occurred prior to the sale of any lots in Phase 2, or a surety bond or other type of security should have been provided to the town to insure the work. I have been unable to locate any form of security for the second entrance at this time.
3. Lastly, enclosed is a copy of a faxed message from NCDOT regarding the project that reference both accesses to the development from Pee Dee Road (SR 2083).

It is possible that more can be found on this matter, and Stafford Land Company may have records of their own that can clarify the matter. However, given what I know at this time it appears that construction of subsequent phases beyond Phase 1 should not have been permitted until the second access was installed, or a modification to the original CUP was granted by the Board of Commissioners.



MEMORANDUM TO THE BOARD OF COMMISSIONERS – August 8, 2016 Work Session

Request:

Minor Modification
to Conditional Use
Permit CU #06-04

Requested by:

McKee Homes,
LLC

Prepared by:

Pamela Graham,
Planning Director

Description of Request

McKee Homes requests a Minor Modification from the Board for release of a +/- 767 square foot portion of the town's right-of-way at the corner of Legacy Lakes Way and Warren Lake Road in Legacy Lakes. The release would convey the right-of-way portion to the adjoining lot, #162. The building envelope is constrained by the configuration of the corner lines and creates challenges for siting the home.

§152-65 of the UDO provides for the permit issuing authority to approve minor design modifications or changes in permits. Minor design modifications or changes are defined as those that have no *substantial* impact on neighboring properties, the general public, or those intended to occupy or use the proposed development, but where the impact is considered to be *discernible*. Staff has determined the proposed changes are discernible but insubstantial, and is requesting a decision from the Board on approval of the modifications.

Staff Recommendation

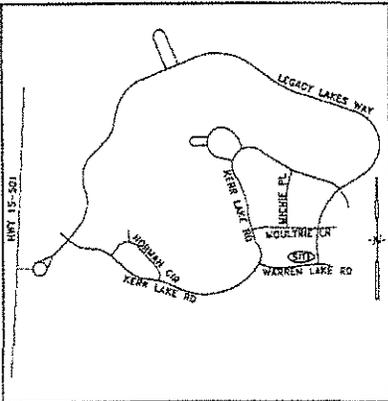
Staff recommends that the Board approve the request for minor modifications to CU #06-04 as illustrated in the attached survey and description provided by Averette Engineering and subject to the following requirements:

1. Unless provided for as a part of this or previous modification, all other requirements of CU #06-04 must be met, including those shown on the approved plans.
2. Unless provided for as a part of this modification, all requirements of the Aberdeen Zoning Ordinance in effect at the time of the project approval except those already amended by the approval of CU #06-04 or a subsequently approved modification, shall be complied with.
3. Any approval of this modification request shall be limited to lot 162 and shall not be applied to additional property without the expressed approval of the

Board of Commissioners.

4. The transfer of title for the road rights-of-way shall not cost the Town any additional money.

Enclosures: Legacy Lakes Final Plat, Phase 1 Map 5
Lot Revision Survey, Averette Engineering, dated 3/3/15
Special Warranty Deed for Lot 162 with legal description



VICINITY MAP (NTS)

GENERAL NOTES

1. ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES.
2. IRON STAKES SET AT ALL CORNERS UNLESS OTHERWISE NOTED.
3. 0.22 ACRES TOTAL (BY COORDINATE COMPUTATION)
4. SURVEYED: JULY 2016
5. P.L.N. 8670000001
6. REFERENCES: P.C. 14, SLIDE 410, DB 4100, PG 257
7. PROPERTY SUBJECT TO EASEMENTS OF RECORD. NO TITLE SEARCH PERFORMED ON PROPERTY.
8. NON-CONFORMING STRUCTURES HAVE NOT BEEN CREATED BY THIS SUBDIVISION.
9. ZONING: R-30 CU #05-00
10. SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAY, STREETS, AND ASSESSMENTS, IF ANY, AS THE SAME MAY APPEAR OF RECORD IN THE OFFICE OF THE REGISTER OF DEEDS, CLERK OF COURT, TOWN OF COUNTY TAX OFFICES OR WHICH MAY HAVE BEEN ACQUIRED PRESRIPTIVELY.
11. SANITARY SEWER AND WATER TO BE PROVIDED BY TOWN OF ABERDEEN.

* DEED BOOK _____ PAGE _____

STATE OF NORTH CAROLINA
COUNTY OF MOORE

I, **PAWULA GRAHAM**, REVIEW OFFICER OF MOORE COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS ATTACHED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

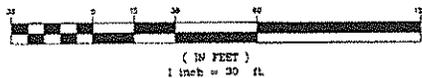
REVIEW OFFICER _____ DATE _____

CERTIFICATE OF APPROVAL FOR RECORDING

I HEREBY CERTIFY THAT THE DIVISION OF PROPERTY SHOWN & DESCRIBED HEREON IS EXEMPT FROM THE "TOWN OF ABERDEEN SUBDIVISION ORDINANCE."

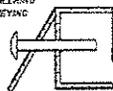
DATE _____ ZONING ADMINISTRATOR
ABERDEEN, NORTH CAROLINA

GRAPHIC SCALE



Averette Engineering Co., P.A.

CIVIL ENGINEERING
LAND SURVEYING
PLANNING



Address:
712 E. Lake Ridge Road
Roxboro, NC 28578

Phone: (919) 488-5656
Fax: (919) 488-0181
License: C-2148

Established 1970

Web: www.averette.org.com

LEGEND

- PROPERTY LINE - SURVEYED
- - - PROPERTY LINE - NOT SURVEYED
- - - RIGHT OF WAY LINE
- - - BUILDING SETBACK LINE
- EIS - EXISTING IRON STAKE
- EIP - EXISTING IRON PIPE
- RSS - RAILROAD SPIKE
- ISS - IRON STAKE SET
- ECM - EXISTING CONCRETE MONUMENT
- ⊙ - P.K. NAIL
- D.B. - DEED BOOK
- H.B. - MAP BOOK
- PG. - PAGE
- R/W - RIGHT OF WAY



NORTH CAROLINA
MOORE COUNTY
I, MICHAEL D. AVERETTE, PLS NO. 3352 CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION RECORDED IN PLAT CABINET 14, SLIDE 410. THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1/10,000; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES; THAT THIS SURVEY IS A RECOMBINATION OF EXISTING PARCELS OF LAND WITHIN AN AREA OF MOORE COUNTY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND; THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1000). THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY HAND AND SEAL THIS 21ST DAY OF JULY, 2016.

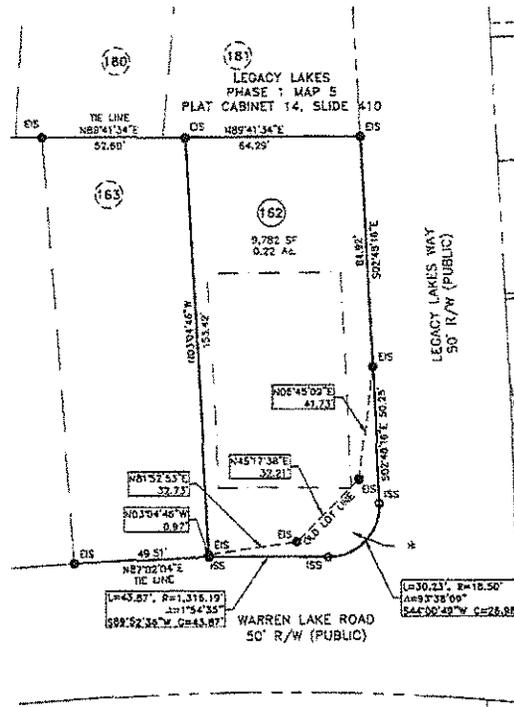
Michael D. Averette
MICHAEL D. AVERETTE, PLS NO. 3352

"THE UNDERSIGNED HEREBY ACKNOWLEDGES THAT THE LAND SHOWN ON THE PLAN IS WITHIN THE SUBDIVISION REGULATION JURISDICTION OF MOORE COUNTY AND THAT THIS PLAT AND ALLOTMENT IS MY FREE ACT AND DEED AND THAT I DO HEREBY DEDICATE TO PUBLIC USE STREETS AND EASEMENTS FOREVER ALL AREAS SHOWN OR INDICATED ON SAID PLAT."

OWNER (S)

MFV-FC PORTFOLIO LLC
13560 SALLANTINE CORPORATE PLACE, SUITE 150
CHARLOTTE, NC 28277

PRELIMINARY PLAT
NOT FOR RECORDATION,
SALES, OR CONVEYANCE



REVISION OF LOT 162
FINAL PLAT FOR
LEGACY LAKES
PHASE 1 MAP 5
PLAT CABINET 14, SLIDE 410

McKEE HOMES, LLC &
PROPERTY OF: MFV-FC PORTFOLIO LLC
SANDHILLS TOWNSHIP
TOWN OF ABERDEEN NORTH CAROLINA
MOORE COUNTY

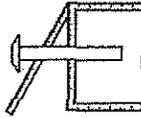
DRAWN BY: MDA	PROJECT: McKee Homes
CHECKED BY: CDA	DWG NAME: Legacy Lakes.dwg
DATE: 03/03/16	SHEET 1 OF 1

EXHIBIT A

Averette Engineering Co., P. A.

CIVIL ENGINEERING • LAND SURVEYING • PLANNING

Address:
712 E. Lake Ridge Road
Raeford, NC 28376



Phone: (910) 488-5656
Fax: (910) 488-0181
Web: www.averette-eng.com
License: C-0146

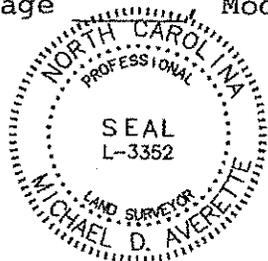
July 21, 2016

Legacy Lakes Property
767 SF
Portion of Legacy Lakes Way & Warren Lake Road
Plat Cabinet 14, Slide 410
Town of Aberdeen
Moore County, North Carolina

BEGINNING at a point in the northern margin of Warren Lakes Road (50' RW Public), said point being the southeast corner of lot 163 and the southwest corner of lot 162 as recorded in Plat Cabinet 14, Slide 410, Moore County Registry; thence with the northern margin of Warren Lake Road and the southern margin of lot 162 **North 81 degrees 52 minutes 53 seconds East 32.73 feet** to an existing iron pipe, thence **North 45 degrees 17 minutes 38 seconds East 32.21 feet** to an existing iron pipe, thence **North 06 degrees 45 minutes 09 seconds East 41.73 feet** to an existing iron pipe in the western margin of Legacy Lakes Way (50' RW Public), said point also being a point in the eastern margin of lot 162 as recorded in Plat Cabinet 14, Slide 410, Moore County Registry, thence a new line **South 02 degrees 48 minutes 16 seconds East 50.25 feet** to a point, thence along the arc or a curve to the right with the following curve data, **Radius = 18.50 feet, Length = 30.23 feet, Chord Bearing = South 44 degrees 00 minutes 49 seconds West and Chord Distance = 26.98 feet** to a point, thence along a curve to the left with the following curve data, **Radius = 1,316.19 feet, Length = 43.87 feet, Chord Bearing = South 89 degrees 52 minutes 36 seconds West and Chord Distance = 43.87 feet** to a point, thence **North 03 degrees 04 minutes 46 seconds West 0.97 feet** to the point and place of BEGINNING and containing 767 square feet more or less and also being a portion of Legacy Lakes Way and Warren Lake Road. The above described deed description is subject to any easements and right-of-ways of record.

The above description was prepared by Michael D. Averette, Professional Land Surveyor, License L-3352 of Averette Engineering Co., P.A. Raeford, North Carolina from deeds and plats of record.

It is noted that the property conveyed hereby has been simultaneously recombined into Lot 162 of Legacy Lakes, Phase 1, Map 5, as shown on that certain plat recorded in Plat Cabinet _____, Page _____ Moore County, NC Registry.



Michael D. Averette

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax: Exempt

Parcel Identifier No. _____ Verified by _____ County on the ____ day of _____, 20__

By: _____

Mail/Box to: Reaves Law, PLLC, PO Box 53187, Fayetteville, NC 28305

This instrument was prepared by: L. Holden Reaves, Esq. (Without Title Examination)

Brief description for the Index: 767+/- square feet – Legacy Lakes Way/ Warren Lake Rd (recombine into Lot 162 Legacy Lakes)

THIS DEED made this ____ day of _____, 20__ 16__, by and between

GRANTOR

GRANTEE

Town of Aberdeen, a North Carolina municipality

MFV-FC Portfolio LLC, a Delaware limited liability company

115 N. Poplar Street
Aberdeen, NC 28315

13860 Ballantyne Corporate Place, Suite 130
Charlotte, NC 28277-3167

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in or near the Town of Aberdeen, Moore County, North Carolina and more particularly described as follows:

See Exhibit A attached hereto and incorporated herein by reference.

The property hereinabove described was acquired by Grantor by instrument recorded: [dedicated as public right-of-way per prior plat].

A map showing the above described property is recorded in Plat Cabinet 14, Slide 410; also, see newly-recorded plat referenced in Exhibit A.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than the following exceptions: all easements, restrictions, covenants and conditions of record, if any, and taxes which are not yet due and payable.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

[See Signature and Notary Addendum Attached Hereto] _____ (SEAL)
(Entity Name)

By: _____ (SEAL)
Title: _____

By: _____ (SEAL)
Title: _____

By: _____ (SEAL)
Title: _____

State of _____ - County of _____
I, the undersigned Notary Public of the County and State aforesaid, certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this ____ day of _____, 20__.
My Commission Expires: _____

Notary Public

State of _____ - County of _____
I, the undersigned Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged that he is the _____ of _____, a North Carolina corporation/limited liability company/general partnership/limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this ____ day of _____, 20__.
My Commission Expires: _____

Notary Public

State of North Carolina - County of _____
I, the undersigned Notary Public of the County and State aforesaid, certify that _____
_____. Witness my hand and Notarial stamp or seal, this ____ day of _____, 20__.
My Commission Expires: _____

Notary Public

The foregoing Certificate(s) of _____ is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

Register of Deeds for _____ County
By: _____ Deputy/Assistant - Register of Deeds

**SIGNATURE AND NOTARY ADDENDUM ATTACHED TO
NORTH CAROLINA SPECIAL WARRANTY DEED**

GRANTOR:

TOWN OF ABERDEEN

By: _____

Print Name: Robert A. Farrell

Title: Mayor

ATTEST:

By: _____
Regina M. Rosy, Town Clerk

[Affix Municipal Seal]

STATE OF NORTH CAROLINA

COUNTY OF _____

I, _____, a Notary Public of said county and state certify that **Regina M. Rosy** personally appeared before me this date and acknowledged that she is the Town Clerk for the Town of Aberdeen, a North Carolina municipality, and that by authority duly given and as the act of the Board of Commissioners of the Town of Aberdeen, the foregoing instrument was signed in its name by its Mayor, Robert A. Farrell, sealed with its municipal seal and attested by said Town Clerk.

Witness my hand and official seal, this the _____ day of _____, 2016.

Notary Public

My commission expires: _____

[Affix Notary Seal or Stamp]



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:** 7/7/16

Agenda Item Title: Re-Appointments to the Historic Preservation Commission

Work Session - Board Action (date of meeting should be filled in on line) :
Information Only _____
Public Hearing _____
Approval at work session - immediate action 8/8/16

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:

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



MEMORANDUM TO THE BOARD OF COMMISSIONERS – August 8, 2016 Work Session

Request:

Appointments to the
Historic
Preservation
Commission

Prepared by:

Pamela Graham,
Planning Director

Description of Request

Three sitting members of the Aberdeen Historic Preservation Commission (HPC) are facing term expirations and are eligible for reappointment.

The UDO provides for four (4) year terms with members restricted to two full terms. Additionally, the UDO requires that the Board of Commissioners are responsible for appointing persons to this advisory board who have demonstrated special interest, experience or education in history, architecture, archaeology or related fields. The commission consists of five members, three of which must reside within Aberdeen's Historic District. The HPC meets on the third Monday of each month at 4:30. Current members and terms are as follows:

Mollie Wison – Chair (in-district)	June 2016
Jon Ring – Vice Chair (in-district)	June 2016
Ernestine Chapman (in-district)	June 2016
Dell Crumpton (out of district)	June 2018
Mike Ratkowski (out of district)	June 2018

Staff Recommendation

Staff recommends that the Board reappoint Mollie Wilson, Jon Ring, and Ernestine Chapman to serve new terms on the Historic Preservation Commission with expirations of June 2020.



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: Daniel Martin **Department:** Planning

Contact Phone # 910.944.4506 **Date Submitted:** 8/2/16

Agenda Item Title: Downtown Master Plan Task Force Appointment

Work Session - Board Action (date of meeting should be filled in on line) :	
Information Only _____	
Public Hearing _____	
Approval at work session - immediate action <u>8/8/16</u>	
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:

Staff is requesting that the Board officially appoint members to the Downtown Master Plan Task Force committee.

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



MEMORANDUM TO THE BOARD OF COMMISSIONERS – August 8, 2016 Work Session

Description of Request

Request:

Appointments to the
Downtown Master
Plan Task Force

Prepared by:

Daniel Martin,
Community/
Downtown
Development Planner

During the upcoming 2016-17 fiscal year, the old 1997 Downtown Streetscape Master Plan for Development Renewal will be updated with the help of an outside consulting firm and direction given from a Downtown Master Plan Task Force committee. In order to proceed with the selection of the firm and update process, we would like the Board to officially appoint the following members to this Downtown Master Plan Task Force committee:

- Eleese Goodwin
- Bonnie McPeake
- Betsy Mofield
- Betsy Saye
- Holly Bell
- Mike Ratkowski
- Shane English
- Paul Barnes

This group has been together off and on since August 2015. The group has carefully reviewed and analyzed the 1997 plan and has made small scale suggestions to each section. Those suggestions were recorded with the help of Cardno's, Gerard Ridzon, and the EPA Brownfields Assessment Program grant. The grant provided minimal funding to associate with this master plan update process; however, in order to appropriately carry out the overall goal of having a new master plan to current day expectations, we will be contracting with a consulting firm to assist in the efforts.

By appointing these members, the Task Force will then have the authority to select the top firm in August of 2016. The selected firm will then come before this Board to conduct an introductory presentation and discuss the process.

Staff Recommendation

Staff recommends that the Board appoint the members stated above to this Downtown Master Plan Task Force committee. The term of their service will end once the newly updated plan has been adopted by the Board of Commissioners.

July 11, 2016

To Whom It May Concern At The City Of Aberdeen,

Hi I am Jenni Macedo, I am Skyler Macedo's mother. Skyler suffers from a rare brain malformation known as Chiari (pronounced Kee-ar-ee). One in one thousand people suffer from this condition. I am trying to help raise awareness for this debilitating condition. Many people have never heard of it before, in fact a lot of doctors still don't know how to treat it and often patients go misdiagnosed for years. I am writing this letter to ask if we can declare the month of September as Chiari Awareness Month. September is recognized worldwide as Chiari awareness month. There is currently no cure for Chiari. I feel the more people who know about Chiari, the closer we can come to finding a cure. I appreciate you taking your time to consider this. I have enclosed a brochure that gives a short list of some of the many symptoms that Chiarians can suffer from. You can find more information at conquerchiari.org. This is one of the best research sites with reliable information. I have also enclosed a copy of the proclamation you wrote up for us last year.

If I can give you and additional information to help process this request please don't hesitate to contact me. I can be reached via email at jennisrockingeckos@yahoo.com or by phone at 619-248-2783.

Sincerely,

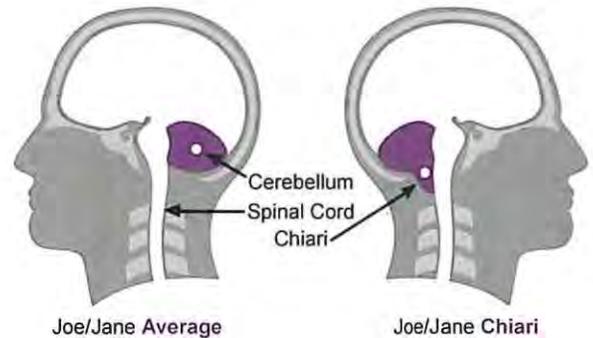


Jenni Macedo

Chiari Malformation Awareness Sheet

Definition:

A serious neurological disorder where the bottom part of the brain, the cerebellum, descends out of the skull and crowds the spinal cord, putting pressure on both the brain and spine, and disrupting the normal flow of cerebrospinal fluid (CSF); also known as Arnold-Chiari, ACM, ACM I, ACM II, CM, tonsillar ectopia and hindbrain herniation.



10 Things To Know About Chiari

1. Affects about 1 in 1,000 people
2. Most common symptom is severe headache, usually in the back of the head, and made worse by activities such as straining, coughing, sneezing, or bending over
3. Can cause many additional symptoms, including balance problems, pain and weakness in the arms and legs, and trouble speaking and swallowing, to name a few
4. Diagnosed through a combination of MRI's (Magnetic Resonance Imaging), a neurological exam, and other tests
5. If symptoms are bad enough, or getting worse, a decompression surgery is usually performed
6. Surgery, performed by a neurosurgeon, involves removing part of the skull and spine, and sometimes sewing a patch into the natural covering of the brain
7. While precise data is not available, about 50% of patients become symptom free after surgery, another 20%-30% improve significantly, and about 20% experience no relief or get worse
8. In some people, can lead to another serious condition, known as *syringomyelia*, where a fluid-filled cyst develops inside the spinal cord
9. It is believed that the malformation is congenital (people are born with it); symptoms can develop at any age, but commonly become noticeable either in childhood or in a person's early 30's
10. Chiari Type II, a more serious form of the malformation, is associated with Spina Bifida

Chiari Affects Everyone Differently

Interesting Facts:

- Size of the malformation is not related to the severity of symptoms
- There is no single test to say whether someone should have surgery
- Many doctors are not familiar with the condition, so people often go years without a proper diagnosis
- Most patients suffer from 5 or more symptoms
- Not known why surgery fails 20% of the time

Someone With Chiari *May* Not Be Able To:

- Bend over
- Lift heavy objects
- Stand or sit for any length of time
- Walk very far
- Drive a long distance
- Work on a computer without pain
- Be in a noisy environment
- Engage in strenuous activities, such as sports
- Perform household chores



For More Information Visit: www.conquerchiari.org

This publication is for informational purposes only and is not intended as medical advice. Always consult a qualified professional for medical care.

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COMMISSIONERS
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Town of Aberdeen



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

PROCLAMATION

Chiari Malformation Awareness Month September 2016

WHEREAS, Chiari Malformation is a serious and chronic neurological disorder where the cerebellum descends out of the skull thereby compressing the brain stem and/or spinal cord; and

WHEREAS, symptoms usually appear during adolescence or early adulthood and can include severe head and neck pain, vertigo, muscle weakness, balance problems, blurred or double vision, difficulty swallowing and sleep apnea; and

WHEREAS, there are no known preventative measures or cures. Due to the lack of awareness and research of the disorder, persons and family can be under tremendous physical, mental, emotional and economic strain; and

WHEREAS, raising awareness of this traumatic disorder is essential to generating federal and private funding for research and a cure.

NOW, THEREFORE, I, Robert A. Farrell, Mayor of the Town of Aberdeen, in the State of North Carolina, do hereby proclaim the month of September 2016 as

Chiari Malformation Awareness Month

in Aberdeen, North Carolina. I urge all citizens to take part in activities and observances designed to increase awareness and understanding of Chiari Malformation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Town of Aberdeen, North Carolina to be affixed this 8th day of August, 2016.

Robert A. Farrell, Mayor

Attest:

Regina M. Rosy, Town Clerk