



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
Regular Board Meeting
Aberdeen Town Board

September 26, 2016
Monday, 6:00 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

1. Call to Order
 - a. Pledge of Allegiance.
2. Setting of the Agenda
3. Consent Agenda

All items listed below are considered routine or have been discussed at length in previous meetings and will be enacted by one motion. No separate discussion will be held except on request by a member of the Board of Commissioners.

- a. Minutes of Board of Adjustment Meeting on August 22, 2016, Board Meeting on August 22, 2016, and Work Session on September 12, 2016.
 - b. Approve Revisions to Local Agreement with Reliance Packaging, LLC.
4. Informal Discussion and Public Comment
5. Public Hearings and New Business
 - a. Conditional Use Permit CU #16-05 for The Academy of Moore.
 - b. Consider action on Conditional Use Permit CU #16-05 for The Academy of Moore.

- c. Continued Public Hearing for CU #16-04 Submitted by George Nelson for Property Located on Lighthouse Circle.
 - d. Consider action on CU #16-04 Submitted by George Nelson for Property Located on Lighthouse Circle.
 - e. Consider action on new squad apparatus for the Fire Department.
 - f. Consider action on a Proclamation declaring September 17th as National Gymnastics Day.
- 6. Other Business
 - 7. Closed Session pursuant to N.C.G.S. 143-318.11(a) (3) and (4) to preserve attorney-client privilege and to discuss economic development matters.
 - 8. 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

Minutes
Special Called Meeting
Aberdeen Board of Adjustment

August 22, 2016
Monday, 4:30 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

The Aberdeen Board of Adjustment (BOA) met Monday, August 22, 2016 at 4:36 p.m. for a Special Called Meeting. Members present were Chairman Jim Thomas and Commissioners Ken Byrd, Joe Dannelley, and Elease Goodwin. Commissioner Buck Mims was not in attendance for the meeting. Staff members in attendance were Planning Director Pam Graham, Planner Kathy Blake, and Deputy Town Clerk Jamie Dockery. Attorney T.C. Morphis, Marsh Smith, Tony Inglese with Elite Roofing, and Tim Marcham were also in attendance for the meeting.

1. Call to Order

Chairman Thomas called the meeting to order at 4:36 p.m.

2. Board of Adjustment Item #16-03 to hear a Variance Request submitted by Elite Roofing, LLC for property located at 301 Fields Drive.

Chairman Thomas asked for all persons who wish to testify in this case to be sworn in. Deputy Clerk Jamie Dockery swore in Planning Director Pam Graham, Planner Kathy Blake, and Marsh Smith.

Chairman Thomas asked if any Board Members had a possible conflict and would need to withdraw and there were no conflicts.

Chairman Thomas opened the public hearing for Variance Request BOA #16-03. Director Graham stated this is a variance request by Elite Roofing to be allowed to expand/lengthen their building to meet the increasing demand for roofing. The proposed expansion will not be in compliance with the Town setback requirements. The specifics included:

- The business is existing and is setback from the southern boundary varying between 1.06' and 1.60' with a loading dock that infringes on the adjacent property, owned by Aberdeen Carolina & Western Railway Company.

- The minimum allowable distance from this property is 15' and the existing structure is considered non-conforming with regards to the setback.

The petitioner has requested zoning approval for an expansion to the existing building in the form of a 24x80 foot prefabricated structure. The addition will be setback +/- 1.60' from the side property line and thereby does not comply with the 15' minimum setback requirement.

Staff advised the petitioner that the addition could not be permitted due to the setback conflict pursuant to UDO §152-124. Planner Graham displayed a map that shows the property boundary, the railroad right of way, the existing building on the property, and the proposed expansion. The proposed addition would have a setback of +/- 1.60 feet.

Director Graham stated the UDO provides for variance requests in Section 152-93, which states the Board of Adjustment may grant a variance if it concludes, upon a showing of all of the following, that unnecessary hardship would result from carrying out the strict letter of the ordinance:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to neighborhood or to the general public, may not be the basis for granting a variance.
3. The hardships did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Director Graham stated the applicant shall not be required to meet the criteria listed above if he or she can prove to the satisfaction of the Board that (i) the need for the variance arises out of an error by the town staff, and (ii) in the absence of the variance the applicant will suffer significant hardship, and (iii) the variance will not have an adverse effect on the surrounding properties. In granting variances, the BOA may impose such reasonable conditions as will ensure that the use of the property will be as compatible as practicable with surrounding properties.

Director Graham stated staff recommends that the BOA consider the variance request BOA #16-03 and render a decision at their earliest convenience. Director Graham stated in the Board packet there were 2 letters from adjoining property owners that are in support of the expansion. An additional letter was submitted

from Greg and Tammy Lyne who own 300 Fields Drive and were in support of the expansion.

Marsh Smith distributed to the Board the letter from Greg & Tammy Lyne. Mr. Smith explained what a double lock standing seam metal roof is and the process for installing the roof using an electric seamer. Elite Roofing employs 7 people and they want to expand to add a metal shop to be able to fabricate metal to be used in the double lock standing seam roofs. Mr. Smith stated some advantages to the metal roof is that it reflects heat and is recyclable when it is removed so it won't be thrown in the landfill. Mr. Smith stated they are facing a hardship and can add onto the building using a 15' crook but it would pose a problem later on when they start to have materials delivered by train. Mr. Smith stated the first criteria to conform to the ordinance would impose a hardship because of the expense putting a kink in the building, the inconvenience that the kink would impose on them due to the floor layout. He stated this hardship doesn't arise from anything the Inglese family has done, it arises from conditions peculiar to this lot and the building that is attached to it. Mr. Smith stated they need permission to build the addition in line with the current footprint so that there is no kink in the building that would make it harder to use and more expensive to construct and less serviceable in the future. Mr. Smith stated what was submitted in the packet confirms that it aligns with all 4 of the criteria for a variance. Mr. Smith asked for any questions from the Board.

Commissioner Dannelley asked Attorney Morphis what weight the letters from adjoining property owners should be applied when rendering a decision. And what if a decision was rendered in favor of the variance and the property changes hands and the new owner wonders why the property abuts so closely to theirs and the property. Attorney Morphis stated the letters are a way of saying the property owners don't object. Future property owners have the same risk as any future property owner has as to what the current owner does with the property.

Mr. Smith stated the hardship is expense, harder to construct, and the floor layout as it related to the ability to use rail in the future, Commissioner Dannelley asked for more detail and asked if numbers had been run on the expense differential if the building owner were to have to do the 14' jog versus the in-alignment. Also Commissioner Dannelley asked, in reference to the floor layout with the metal shop, would any ability to run the metal shop be lost if there was the jog? Also, Commissioner Dannelley asked about the ingress & egress in the current plan addition to the back of the building and the proposed jog. Commissioner Dannelley is trying to understand unnecessary hardship. Mr. Smith stated there are 4 components to answer the question of the hardship.

1. When you bend metal for roofs you use heavy equipment and when you site the equipment you create a floor plan that has feng shui so you can go through your drill of creating the roof you need a rectangle space.
2. The current estimate of the cost is \$55,000 for the expansion and if Mr. Inglese goes to a different design, such as the 15' jog, then a different roofing system will have to be used and the price will raise a significant fraction.
3. If you shift the expansion to the northeast then you impede the ability to get to the rear parking area. There are large trucks that make deliveries to the back area and if there is a jog in the expansion then the parking area would have to be bulged to the northwest which would make it harder to enter.
4. There is constraint on the northeast by the parking lot.

The Inglese family has spent in excess of \$100,000 sprucing up the property. Commissioner Dannelley asked if there was any other information on the hardship of ingress and egress if the addition jogged out. Mr. Smith stated that if the addition is uniform to the building it will be easier to build a loading dock that is easily accessible when using a forklift to load box cars on the rail.

Commissioner Byrd asked about the existing loading dock that faces Hwy 5. Mr. Inglese stated it may be moved if the railway wants that relocated when they run the rails. Mr. Inglese stated that the design of the track will be up to the railroad. Commissioner Byrd asked where the materials are stored. Mr. Inglese stated the front part of the building is office area and the rest of the building is where the materials are stored. Commissioner Byrd asked about the existing loading dock on the proposed expansion side and what will be done with it. Mr. Inglese stated that it would be knocked in and added to the foundation since it is all concrete. Commissioner Byrd asked about the height of it and Mr. Inglese stated it was 3.5'. Commissioner Dannelley asked if there was concern about the decision made by the staff and if there was any mistake made by staff that would be the reasoning as to bringing this issue before the BOA. Mr. Smith stated there was no issue with the staff decision, Mr. Smith stated if any mistake was made it was made decades ago when the building was constructed.

Director Graham asked if there were any additional questions or clarifications.

Commissioner Dannelley asked for a visual of what the jog would like to be in compliance with the UDO. Mr. Smith showed on the map what it would look like. Commissioner Dannelley wanted to see if the proposed expansion was moved 14' how would feng shui be impacted to Mr. Inglese's operation. Commissioner Dannelley asked by shifting the expansion is Mr. Inglese not able to do what he

needs to do with the equipment and why. Mr. Inglese stated if the building butts any further into the parking lot, then it would be impossible to back a tractor trailer in and there is a fence that goes along the side of the parking lot. Commissioner Dannelley asked why it would create a different custom roofing system. Mr. Inglese stated one machine is 40 foot long and he needs 80 feet for 2 machines, a place to box up materials, and to load/unload. There would have to be a different roof on the building so that Mr. Inglese could extend to the northwest. The roofing problem comes from 2 quarters: 1) it can't be expanded lengthwise longer than 28 feet because of the steel that supports the roof and 2) if you jog part of the building over 15' then you are out of expanding just the roofing system which is limited to 28' and can't expand what is currently on the roof. Mr. Inglese stated this building is a standard building in length and pitch so the product is readily available and if there is jog then a custom roof would need to be special ordered.

Commissioner Dannelley stated adjacency to the railroad and ability to have a dock are big concerns and ingress and egress into the building safely is another concern.

A motion was made by Commissioner Byrd, seconded by Commissioner Dannelley that the requested variance *does not* meet all of the following criteria: Arises out of an error by Town staff, in the absence of the variance the applicant will suffer significant hardship, and the variance will not have an adverse effect of the surrounding properties. Motion unanimously carried 4-0.

A motion was made by Commissioner Byrd, seconded by Commissioner Dannelley, that the unnecessary hardship *would* result from the strict application of the ordinance as it relates to BOA #16-03. Motion unanimously carried 4-0.

A motion was made by Commissioner Byrd, seconded by Commissioner Dannelley, that the hardship(s) related to BOA #16-03 *does* result from conditions that are peculiar to the property, such as location, size, or topography. Motion unanimously carried 4-0.

A motion was made by Commissioner Byrd, seconded by Commissioner Dannelley, that the hardship related to BOA #16-03 *does not* result from actions taken by the applicant or property owner. Motion unanimously carried 4-0.

A motion was made by Commissioner Byrd, seconded by Commissioner Dannelley, that the requested variance *is* consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is

achieved. Motion carried 3-1. Commissioners Goodwin, Byrd, and Dannelley voted for. Mayor Pro-tem Thomas voted no.

A motion was made by Commissioner Byrd, seconded by Commissioner Dannelley, that based on the findings of fact and evidence presented, the Aberdeen Board of Adjustment issues approval of BOA #16-03. Motion carried 3-1. Commissioners Goodwin, Byrd, and Dannelley voted yes. Mayor Pro-tem Thomas voted no.

Meeting adjourned at 5:35 p.m.

Jamie E. Dockery, Deputy Town Clerk

Minutes were completed in
Draft form on August 22, 2016

Jim Thomas, Chairman

Minutes were approved
on September 26, 2016

Minutes
Regular Board Meeting
Aberdeen Town Board

August 22, 2016
Monday, 6:00 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

The Aberdeen Town Board met Monday, August 22, 2016 at 6:00 p.m. for the Regular Board Meeting. Members present were Mayor Robert A. Farrell, Mayor Pro-tem Jim Thomas, and Commissioners Ken Byrd, Joe Dannelley, and Elise Goodwin. Commissioner Buck Mims was not in attendance. Staff members in attendance were Planning Director Pam Graham, Assistant Public Works Director Harold Watts, Town Manager Bill Zell, and Deputy Town Clerk Jamie Dockery. Attorney T.C. Morphis, Reporter for The Pilot Laura Douglass, Peggy Johnson, and approximately 26 other citizens were also in attendance for the meeting.

1. Call to Order

Mayor Farrell called the meeting to order at 6:02 p.m.

a. Pledge of Allegiance.

Mayor Farrell asked everyone to please stand for the Pledge of Allegiance.

2. Setting of the Agenda

A Closed Session pursuant to N.C.G.S. 143-318.11(a)(3) to preserve the attorney client privilege added to the agenda to discuss. A motion was made by Mayor Pro-tem Thomas, seconded by Commissioner Dannelley, to approve the setting of the agenda as amended. Motion unanimously carried 4-0.

3. Informal Discussion and Public Comment

a. Legacy Lakes – Bruce Parker, who was representing about 15 residents in Legacy Lakes, wants to go on record that they oppose the sales trailer that was proposed by McKee Homes. They oppose any trailer in the Legacy Community now and in the future. A petition from the residents was brought with 120 signatures that layout the issues they are having with the contractors. Concerns range from failure in erosion and storm water management into the lakes, screening and landscaping maintenance, public and safety health concerns, community appearance, trash, building of houses in general, violations of noise ordinance (i.e.

not working on Sunday) and common area maintenance to include the paving of streets. Mr. Parker stated they have discussed these issues with LStar and contractors over the past 18 months and nothing has been done. Mr. Parker stated they are asking the Board for help in fixing these issues. Mayor Farrell asked about the Homeowner's Association resolving any issues. The Homeowners' Association and LStar have not been able to resolve these issues together. Director Graham stated she received the petition packet right before the meeting and it will be reviewed by her and she will follow up with the Board and citizens of Legacy Lakes as to what actions can be taken by the Town and what falls under the authority of the Town.

Dale Rocko stated they have been down this road with one builder/developer one time already and don't want to tolerate this with another.

b. Vanessa McNeill wanted to give a follow up report on her concerns with the Habitat homes in her Broadway neighborhood. Ms. McNeill wanted to thank the Commissioners for their listening ear of the residents. Ms. McNeill met with representatives from Habitat and was told they were still considering putting a 1.5 or 2 story house in the cul-de-sac which she is concerned about because there are supposed to only be 1 story houses. Ms. McNeill believes that what was approved should be stuck to. Ms. McNeill also stated that the fence is supposed to cover the four houses that border her property and she is being told by Ms. Gaar, with Habitat, that the fence would be just behind her house. Ms. McNeill asked the Board what she can do about these issues. Mayor Farrell asked Director Graham if any plans have been submitted by Habitat. Director Graham stated no. Director Graham stated nothing has been submitted at this point and there hasn't been a discussion about house plans or the fence. Director Graham stated she will review the conditions of approval and any other information to make sure all conditions are met.

c. Norman & Timothy McQueen have concerns about the sewer right of way not being maintained on 610 E. South Street. Mr. McQueen stated that a promise was made that the manhole would have flowers planted around it and it would be made pretty and it has never been done. Mr. McQueen stated every 3 years the Town will mow down the grass and weeds. Mr. McQueen asked if grass can be planted and then he will maintain it and asked the Town to do a better job at maintaining the right of way. Assistant Director Watts stated per Town Ordinance nothing can be planted on sewer right of ways but planting grass can be done with no problem.

4. Financial Report

No financial report this month.

5. New Business

- a. Consider Letter of Support Regarding the Development of a Montessori School in Aberdeen

Planner Graham stated Ms. Peggy Johnson is asking the Board to support the development of a Montessori School. Ms. Johnson stated they are proposing a charter Montessori School that would be K-6 with a private preschool component. Ms. Johnson stated Montessori Schools are unique because there are no desks and students work in small groups or individually at tables or on the floor and children are in 3 year age spans in the classroom and not certain grades. Each child has an individual guidance plan for their education. Application is due September 15th and Ms. Johnson is asking for a letter of support from the Town. The projected open date is fall 2018 if the school is approved. Mayor Farrell asked what the long range goal is on a building. Ms. Johnson stated they have been advised to rent the first few years and then the ultimate goal is to build a school. The school can receive state funding since it is a charter school for kindergarten on up. The first year will be K-2 and add on as the children get older. Commissioner Byrd asked about goals for student population size. Ms. Johnson stated the goal is 90 children in 4 classrooms: 2 for the 3-5 year olds and 2 for the 6-9 year olds. Commissioner Dannelley asked for clarification on the process after the Mayor signs the letter. Director Graham stated there are no further steps for the Board at this time, they are just asking for a letter to show support in the community to add to the application.

A motion was made by Commissioner Goodwin, seconded by Commissioner Byrd to authorize the Mayor to sign Letter of Intent. Motion unanimously carried 4-0.

- b. Paving Resurfacing.

Assistant Director Watts stated this is just information for the Board. Assistant Director Watts stated because the bid amount was over \$500,000 some streets had to be taken out. Mayor Farrell asked for explanation on where the Town gets money to resurface roads and how streets are selected

for paving/resurfacing. Assistant Director Watts stated the structure of the road and amount of potholes, patches, and cuts is used to create an order of merit. The original bid was for 20 streets but that has been reduced to 15 streets included in this cycle of Powell Bill Funding. Bruce Parker asked who absorbs the cost of maintenance in Legacy Lakes once the contractor paves the roads. Assistant Director Watts state that when the final layer is put on the road then the Town will release the Surety Bond and then it falls under the Town's perpetual maintenance. Commissioner Byrd asked about keeping a partial bond for potential damage as part of construction continues. Attorney Morphis stated the maintenance bonds are not allowed anymore per the General Assembly but for a performance bond the Town can just inspect the road really well before the Town accepts it. Commissioner Byrd stated there needs to be an alternate construction entrance for Legacy Lakes Phase II and III when being built so the roads are not torn up. Director Graham stated she will look at the preliminary plat to see if there was an entrance already on the plat or if one can be added.

6. Other Business

- a. Commissioner Byrd wanted to thank Police Chief Wenzel with help on the traffic in the mornings at Moore Academy.

7. Closed Session pursuant to N.C.G.S. 143-318.11(a)(3) to discuss matters within the attorney client privilege.

A motion was made by Commissioner Byrd, seconded by Commissioner Goodwin, to go into Closed Session pursuant to N.C.G.S. 143-318.11(a)(3) to discuss matters within the attorney client privilege. Motion unanimously carried 4-0.

The Board returned from Closed Session. A motion was made by Commissioner Byrd, seconded by Commissioner Goodwin, to open regular session. Motion unanimously carried 4-0.

8. Adjournment

A motion was made by Commissioner Byrd, seconded by Commissioner Goodwin, to adjourn the Board Meeting. Motion unanimously carried 4-0.

Jamie E. Dockery, Deputy Town Clerk

Minutes were completed in
Draft form on August 22, 2016

Robert A. Farrell, Mayor

Minutes were approved
on September 26, 2016

DRAFT

Minutes
Work Session
Aberdeen Town Board

September 12, 2016
Monday, 6:00 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

The Aberdeen Town Board met Monday, September 12, 2016 at 6:00 p.m. for the Work Session. Members present were Mayor Robert A. Farrell and Commissioners Ken Byrd, Joe Dannelley, and Eleese Goodwin. Mayor Pro-tem, Jim Thomas and Commissioner Buck Mims were not in attendance for the meeting. Staff members in attendance were Planning Director Pam Graham, Planner Daniel Martin, Town Manager Bill Zell, and Deputy Town Clerk Jamie Dockery. Attorney T.C. Morphis, Reporter for The Pilot Laura Douglass, Pat Corso, Tim Marchum, Marsh Smith, Tony Inglese with Elite Roofing, Bruce Parker, and 2 other citizens were also in attendance for the meeting.

Mayor Farrell called the meeting to order at 6:02 p.m.

Mayor Farrell informed everyone of the passing of Former Mayor Bill Marts and the funeral arrangements.

1. Revisions to Local Agreement with Reliance Packaging, LLC.

Pat Corso stated the agreement is straight forward; the challenge is making the two agreements marry up to each other. Mr. Corso stated the state came through with an incentive package worth \$279,000 for Reliance Packaging: One NC Grant for \$52,000, NCDOT Rail Incentive Industrial Access Program to fix the spur, customized workforce training through the state worth \$45,000, sales tax exemption on machinery and equipment purchase of \$149,000. Reliance also received a Building and Restoration grant. The One NC Fund has to be matched which could come from the incentive package already offered. The problem with the One NC Fund was timing and how do you marry these up to the other grant. Moore County approved the agreement in closed session but not in a Public Hearing, so it was not ready to be executed. Once the document was reviewed so that it could be executed, a need for some corrections was discovered. One thing to be cleaned up was that it called for the Incentive to be the increase in Ad Valorem taxes versus a percentage of the Ad Valorem taxes. This document will become the template from this point forward for One NC Funds for Aberdeen and Moore County. There is a new document for the

Board to consider and vote on in the next Board Meeting. Planning Director Graham stated the only clarification is that the County's failure to execute the document was an oversight and not an intentional rejection of the agreement. Planner Martin stated no funds have been disbursed for this yet. Attorney Morphis stated no commitments are changed for any party just clarifications that local agreements match up with what is required from the state. The item will be added to the consent agenda for the September 26th Board Meeting.

2. Consent Agenda

All items listed below are considered routine or have been discussed at length in previous meetings and will be enacted by one motion. No separate discussion will be held except on request by a member of the Board of Commissioners.

a. Conditional Use Permit CU #16-05 for The Academy of Moore. Public Hearing scheduled for 9/26/16

b. Conditional Zoning Request #16-05 to Allow an Adult Day Care Facility at 316 Fields Drive. Public Hearing scheduled for 9/26/16

Item is to be removed from the consent agenda at the request of the applicant.

c. Continued Public Hearing for CU #16-04 Submitted by George Nelson for Property Located on Lighthorse Circle. Continued Public Hearing scheduled for 9/26/16

d. Revisions to Local Agreement with Reliance Packaging, LLC.

A motion was made by Commissioner Dannelley, seconded by Commissioner Goodwin, to approve a, c, and d of the consent agenda and remove b. Motion unanimously carried 3-0.

3. Appointment and Re-Appointment to Planning Board.

Planning Director Graham stated Johnny Ransdell is not eligible for re-appointment since he has served two consecutive terms. Heidi Whitescarver has submitted an application for the ETJ vacancy on the Planning Board and Bill Prevatte is eligible for re-appointment for In-town.

A motion was made by Commissioner Byrd, seconded by Commissioner Goodwin, to accept the new nomination, Heidi Whitescarver, to fill the ETJ vacancy with a 3 year term to expire June 2019 and re-appoint Bill Prevatte to a 3 year term to expire June 2019. Motion unanimously carried 3-0.

4. Minor Modification to CU #05-04 Submitted by McKee Homes for Lot Line Changes on Lots 107-112.

Director Graham stated this modification is to correct the anomalies in the shapes of the five lots and bring a more consistent lot size and width and street frontage. Director Graham stated adjustment over five feet requires Board approval. Mayor Farrell asked about the alley between lots 112 and 113 on the map. Geoff Potter, with McKee Homes, stated it is a drainage easement and is maintained by the Legacy Lakes Homeowners' Association. Director Graham stated no additional lots are being created or taken away. Commissioner Byrd asked is this the last of the adjustments that needed to be made in this area on that side. Mr. Potter stated yes.

A motion was made by Commissioner Byrd, seconded by Commissioner Goodwin, to approve the adjustments. Motion unanimously carried 3-0.

5. Request to Permit Metal Siding on Proposed Industrial Building at 301 Fields Drive.

Director Graham stated this is the same Elite Roofing property that the Board of Adjustment made a decision on recently approving the expansion and the applicant made request to allow metal siding on the proposed addition. This does not require a variance because UDO §152-163.13 states that metal buildings may be approved by the Board of Commissioners for industrial applicants upon the determination that the use of any other material would be deemed unsafe or impractical. The "unsafe or impractical" standards are the two standards that the Board would base their decision on. Attorney Morphis stated the Board, several years ago, wanted to strengthen the requirements of metal buildings requiring that a percentage of the facades be covered in brick, stone, etc. comes from. Also, at that time it was recognized that some areas such as industrial/commercial zoned districts it might be financially ruinous to require other siding. Marsh Smith stated Mr. Inglese replaced the old rusted siding about a year ago to make improvements on the building. Mr. Inglese distributed some photos of the current building – side of building and front of building. Mr. Inglese wants to keep the same siding on the proposed addition because it would be tough to tie different siding into the existing because it is a lap

siding and he wants to keep the same vintage look of the building all the way around when the new addition is added. Mayor Farrell asked how long the addition will be. Mr. Inglese stated about 18'. Mayor Farrell asked if this was a case by case. Director Graham stated yes and this doesn't change anything in the Ordinance. Attorney Morphis stated this is not quasi-judicial and the decision tonight does not affect any decision in the future. Director Graham stated in order to fully comply with the UDO and in making the decision the question of unsafe or impractical should be explored in the decision.

Motion made by Commissioner Byrd, seconded by Commissioner Goodwin, to allow the metal siding to be used, as presented to the Board tonight, to continue the appearance of the building as it would be impractical to do anything else and would impose an unsafe environment if we required the other type of siding to be used. Motion unanimously carried 3-0.

6. Other Business.

Manager Zell stated Public Works Director Rickie Monroe has put together a memo on the status of some projects.

-The surveyor hasn't completed his work in the Broadway area. He is researching deeds because in one area for example there are two pieces of property that the lines meet in the middle of Thomas Avenue.

-Rickie and Bill have contacted DOT concerning the curb & gutter along US 1 and they will get to it whenever they get it going. Mayor Farrell stated this is an issue that goes way back. Commissioner Dannelley and Byrd asked if any of the communication has been documented when the Town contacts DOT about this issue. Commissioner Byrd stated it needs to be put on record and the Board & Town needs to be proactive. Commissioner Dannelley asked aren't we trying to not only address the unsightliness but also the potential for flooding because the gutters are clogged. Commissioner Dannelley wants to address the issue from the point of health & safety from flooding and this is the approach he wants to see taken. Commissioner Dannelley wants a letter drafted identifying these health & safety concerns. Mayor Farrell asked someone to draft a letter to Brandon at the Aberdeen DOT office about the concerns of the Board and they will meet with him if necessary.

-Manager Zell stated since there are no health concerns at this point with the asbestos in the rotunda, allowing us to wait until next year's budget time to figure out what way the Board wants to go. Commissioner Byrd stated Option II he feels is the right thing to do so that it can be done right once and not have to keep going back and piecemeal it together. Mayor Farrell stated to wait until budget time.

Manager Zell reminded the Board members of the Assessment Center and dinner on September 22nd and 23rd.

Commissioner Byrd reminded the Board about The Academy of Moore playground dedication on September 23rd at 5:30 p.m.

Commissioner Byrd reminded Mayor Farrell and Manager Zell about The Academy of Moore bringing a 3rd grade class to the Town Hall on September 29th and Mayor Farrell and Manager Zell are requested to be present.

Mayor Farrell stated he has letter date 8/31/16 from Allyson Schoen and Don Goulet of The Academy of Moore requesting that a police officer be made available to direct traffic into and out of the school property. Manager Zell stated he has talked with Police Chief Tim Wenzel about this. Commissioner Byrd stated he has already suggested that The Academy of Moore Board consider sending a letter to NCDOT asking for flashing lights to be installed. Commissioner Dannelley asked what role the school system would have in helping with this issue in weighing from a school/student safety prospective. Mayor Farrell suggested a serpentine drive to get more cars off the road.

Mayor Farrell stated he has a petition dated 8/22/16 from Legacy Lakes with 120 signatures against a McKee Homes sales trailer. Commissioner Byrd stated there are two parts to the petition: the 1st is opposition from the Legacy Lakes residents about the sales trailer and the 2nd was concern about adherence to building codes, UDO requirements, structural issues, etc. Commissioner Byrd also stated the bridge structure is an issue with heavy trucks going over the bridge. Director Graham stated the map the Board just received has an existing entrance at the top circled in red and the bottom red circle is second entrance that is planned for and approved on the preliminary plat. Director Graham stated the 2nd entrance winds its way back up to the traffic circle and doesn't have any other option. She stated they are poring through the concerns and gathering a collective response to bring to the Board. Mayor Farrell asked if the Town had any pressure on the contractors. Commissioner

Byrd asked if there was a way to have a temporary construction entrance that comes in from the back bordering the day camp. Director Graham stated there is not an access point unless they cross private property and the only way to do that would be to get some type of easement. Mayor Farrell asked what pressure the Town has on contractors. Director Graham stated if they are in violation of Town ordinances we have plenty and can give notice of violations and impose fines. Some issues fall into that category and some do not. Commissioner Dannelley suggested letting Director Graham take time to address 100% of the concerns and fully investigate and bring a report back to the board.

7. Closed Session pursuant to N.C. General Statute 143-318.11(a)(3) & (a)(4) 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 to discuss matters pertaining to economic development.

A motion was made by Commissioner Byrd, seconded by Commissioner Goodwin, to go into Closed Session pursuant to N.C.G.S. 143-318.11(a)(3) to discuss matters within the attorney client privilege. Motion unanimously carried 3-0.

The Board returned from Closed Session. A motion was made by Commissioner Byrd, seconded by Commissioner Goodwin, to open regular session. Motion unanimously carried 3-0.

After the Board returned from Closed Session, Commissioner Byrd asked why the Board of Adjustment meetings are being held out of session and not in conjunction with the already scheduled meetings. Commissioner Goodwin stated that she is uncomfortable having the Commissioners serve as the Board of Adjustment. She asked how that can be changed. Attorney Morphis stated the UDO can be amended to make the Board of Adjustment an independent board. Commissioner Byrd agreed on separating the Commissioners from the Board of Adjustment. Attorney Morphis asked if he is authorized to tell the Lamar attorney that the Board of Commissioners would prefer to have an independent Board of Adjustment and ask if they can put this on hold until a new Board can be constituted. Commissioner Byrd stated to put a bracket with no more than 90 days. All Commissioners agreed to allow Attorney Morphis to ask that question. Director Graham asked if the Lamar case would be the one they would want another Board to have a final decision on. All Commissioners stated yes. Commissioner Byrd stated the question is do we want to punt this to another Board within the next 90 days or do we want to go ahead and address it and

in the interim start putting together an independent board. Attorney Morphis said he now has public record and has been directed to make the offer to Lamar's attorney to have an independent board for their meeting.

8. Adjournment.

A motion was made by Commissioner Byrd, seconded by Commissioner Goodwin, to adjourn the Board Meeting. Motion unanimously carried 3-0.

Jamie E. Dockery, Deputy Town Clerk

Minutes were completed in
Draft form on September 12, 2016

Robert A. Farrell, Mayor

Minutes were approved
on September 26, 2016



TOWN OF ABERDEEN AGENDA ITEM ACTION REQUEST FORM

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

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

Contact Phone # 4517 **Date Submitted:** 9/20/16

Agenda Item Title: Conditional Use Permit CU #16-05 for The Academy of Moore

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

Regular Board Meeting - Board Action (date of meeting should be filled in on line):
New Business 9/26/16 **Information Only** _____
Old Business _____ **Consent Agenda** _____
Public Hearing 9/26/16 **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 – September 26, 2016 Public Hearing

Applicant:

The Academy of
Moore County

Request:

Conditional Use
Permit CU #16-05
to Permit a School
Use in the O-I
District

Location:

12588 US Highway
15-501

Parcel ID:

00049693

Zoning:

Office &
Institutional (O-I)

Existing Use:

K-5 Charter School

Proposed Use:

Same

Prepared by:

Pamela Graham,
Planning Director

Description of Conditional Use Permit Request

The Academy of Moore County requests a conditional use permit (CUP) to permit a school use in the Office & Institutional (O-I) Zoning District. In the course of reviewing plans for expansion of the use and new structures for the existing school, staff discovered that the use is currently considered “legal nonconforming”. This status resulted from the current UDO requirement that a conditional use permit be issued for school uses in this district, and one never having been issued by the Town. The school was constructed in 2008 and the property was annexed by the Town of Aberdeen in 2010. Moore County had issued a conditional use permit in 2007 but no measures were ever taken to transfer the CUP or otherwise bring the zoning into compliance with Aberdeen ordinances following the annexation. Approval of this request will remove the nonconforming status from the property; no changes in use or activities, other than those related to the expansion, are anticipated at this time.

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.

The UDO directs in §152-54 that the Town Board shall decide in favor of 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 – *(a decision is within the authorized jurisdiction of the Board)*, or
2. The application is incomplete – *(staff has deemed the application to be complete)*, 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). *Staff has identified only two potential noncompliant issues in the proposal, specifically the existing parking count as detailed at the top of page 3 of this memo, and a minor deficiency in the landscaping requirements.*

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

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

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.

The Planning Board has made a recommendation for approval with conditions of CU #16-05.

Zoning (Exhibit attached)

The property is located on Highway 15-501 South, at the southern boundary of Aberdeen’s jurisdiction and just south and west of the entrance into Legacy Lakes. The adjoining properties are within the county’s jurisdiction. Upon annexation in 2010 the property was zoned Office & Institutional (O-I). The regulations of this district were established primarily for office and institutional uses which have only limited contact with the general public and which have no offensive noises, odors, smoke, fumes or other objectionable conditions. As residences are permitted in this district and as this district is usually adjacent to residential districts, provisions are made for yards, off-street parking, off-street loading areas, and safe pedestrian access and connectivity. The table below highlights the permissible districts and approval processes for school uses. A Vicinity Zoning Map is also enclosed for reference.

Z = Zoning by Right, S = Special Use Permit, C = Conditional Use Permit																	
Description	RA	R30-18	R20-16	R18-14	R15-12	R10-10	R6-10	MH	PUD	B-1	HC	GC	B-2	B-3	O-I	C-I	I-H
5.000 EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC-SOCIAL, AND FRATERNAL USES																	
5.100 Schools																	
5.100 Elementary and secondary (including associated grounds and athletic and other facilities)						C	C								C	C	
5.120 Trade or vocational schools											S	S		S	S	S	S
5.130 Colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)											C	C			C		

Considerations in Determining UDO Compliance

After review of the proposal, staff reports as follows regarding compliance with UDO standards.

1. Parking - §152-291(C)(6) sets a standard of five (5) vehicular parking spaces per classroom for schools. Including spaces for two buses, the existing parking space count is twenty-six. The facility contains sixteen (16) classrooms, including three temporary modular classrooms that are intended to provide space for the next four years until a permanent addition can be constructed. Per UDO standards, eighty parking spaces are needed to accommodate the number of classrooms. However, the UDO does allow flexibility in the administration of the standard, stating that the Board may permit deviations from the requirements and may require more parking or allow less parking whenever it finds that such deviations are more likely to satisfy the requirement that “a sufficient number of parking spaces to accommodate the number of vehicles that are ordinarily likely to be attracted to the project in question” be provided. ***While the number of available parking spaces are fewer than the UDO standard, the Board may allow less parking if they can determine that all vehicles will be accommodated under ordinary circumstances. The Planning Board recommended a waiver of the parking requirements.***

2. Screening and Landscaping - Article XIX details the town’s screening and landscaping requirements, vary depending on the zoning of the subject property and adjacent properties. As the property is adjacent to parcels outside of Aberdeen’s jurisdiction on all sides other than the road frontage, the following requirements apply:
 - a. An Opaque Screen along the street frontage that consists of a mix of large trees and shrubbery. ***This requirement has been complied with.***
 - b. Shrubby along the front and sides of buildings which can be seen from the street. ***Staff has determined that the front of the building is sufficiently landscaped and the only building side visible from the street is at the south end. Additional shrubs will be required to meet the ordinance standard.***

General Conformity with Plans

The 2030 Land Development Plan Future Land Use Map adopted in 2005 proposed no future land use for this property as it had not yet been annexed by the town at that time. Nearby properties are designated as Medium and Low Density Residential, Commercial, and Conservation. School uses are considered to be compatible with all of these uses.

The Plan also includes as Goal #4 to “provide child and youth related recreational and social facilities.” Specific actions to facilitate this goal include to “improve the quality and infrastructure of Aberdeen’s schools.”

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 rendering a decision 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 8/18/16 meeting, the Planning Board made a recommendation for approval of CU #16-05, with conditions as indicated on the following pages.

Staff recommends that the Board accept public comment regarding Conditional Use Permit CU #16-05 during the public hearing scheduled for September 26, 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 #16-05 (is/is not) within the jurisdiction of the Town Board according to the Table of Permissible Uses.
- Motion 2: CU #16-05 (is/is not) complete as submitted.
- Motion 3: CU #16-05, 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 #16-05 (satisfies/does not satisfy) Finding #1: will not endanger public health or safety. If not, list why.
- Motion 5: CU #16-05 (satisfies/does not satisfy) Finding #2: will not substantially injure the value of adjoining or abutting property. If not, list why.
- Motion 6: CU #16-05 (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 #16-05 (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 #16-05 based on the following: _____
- Issues approval of CU #16-05.
- Issues approval with conditions of CU #16-05 as follows.

Recommended Conditions

1. Conditional Use Permits (CUPs) run with the land and as such CU #16-05 applies to the entirety of the property reflected in Parcel IDs #00049693. 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 development is authorized to continue operation as a public school as identified in Item 5.100 of §152-146: Table of Permissible Uses of the Town of Aberdeen Unified Development Ordinance (UDO) with subordinate uses typically associated with a school facility.
3. The development is authorized to maintain site development as depicted on the provided sketch overlay indicating a One Story Charter School Building (existing), a Multi-Purpose addition to the rear of the principal building (existing), two Temporary Modular Structures (existing), and a Future Classroom Addition to the south of the principal building (future).
4. UDO parking standards indicating a minimum of eighty (80) parking spaces are:
 - a. reduced to ___ spaces as authorized by §152-291(C)(7)(a) and shall be installed no later than 180 days from the issuance of CU #16-05, or
 - b. waived as authorized by §152-291(C)(7)(a), or (**this was the recommendation of the Planning Board*)
 - c. required to be installed no later than 180 days from the issuance of CU #16-05, following approval by staff of a submitted site plan detailing the construction of the required parking.
5. As required by §152-308 of the UDO, shrubbery with a minimum height of eighteen (18) inches at planting and of a variety that can be expected to reach a minimum height of thirty-six (36) inches within five (5) years of planting shall be required along the south-facing façade of the principle building. A sketch of the proposed plantings, with spacing and species indicated shall be submitted for staff review and approval prior to installation.
6. The Aberdeen Planning Department shall be notified of any new uses, activities, or construction on the property subject to CU #16-05 and all applicable reviews and/or permits shall be obtained in accordance with the UDO.
7. All additional conditions or requirements as provided by the UDO are enforceable with regards to proposal CU #16-05.

Enclosures: Conditional Use Permit Application
Academy of Moore Site Development Sketch
Vicinity Zoning Map



Town of Aberdeen

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

For office use only:

Application No. _____

Date Received: **RECEIVED** _____

Amount Received: _____

JUN - 6 2016

Conditional Use Application

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

APPLICANT INFORMATION:

Applicant: THE ACADEMY OF MOORE COUNTY

Phone No. (910) 757-0401 Cell No. (910) 603-8272 Email: RSCHOEN.TAME@GMAIL.COM

Applicant's Address 12588 US Hwy - 15-501 South ABERDEEN, NC 28315

Property Owner: THE ACADEMY OF MOORE COUNTY

Owner's Address: SAME AS ABOVE

Property Location Address: SAME AS ABOVE LRK# 00049693

CONDITIONAL USE REQUEST:

A. Existing Zoning: _____

B. Existing land use on property: CHARTER SCHOOL

C. Requested land use: ADDITION OF TEMPORARY CLASSROOM MODULAR BUILDINGS

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

STATEMENT OF JUSTIFICATION:

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

THE ADDITION OF A 4480 SQ FT TEMPORARY CLASSROOM FACILITY TO THE ACADEMY OF MOORE COUNTY (20% STUDENT GROWTH) WILL NOT BE NOTICED OR WILL IT HAVE ANY NEGATIVE EFFECT TO THE PUBLIC OR ANY OF OUR IMMEDIATE NEIGHBORS. (ESTES TRUCKING & KEENEY LAKES)

B. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted:

OUR IMMEDIATE NEIGHBORS, KEENEY LAKES & ESTES TRUCKING WILL NOT NOTICE OR BE IMPAIRED BY THE ADDITION OF A 70X64' TEMPORARY BUILDING SET TO THE LEFT REAR OF OUR SCHOOL. THE ADDITIONAL 45 STUDENTS WILL HAVE APPROXIMATELY 1/2 RIDING THE BUS & THE BALANCE AS CAR-RIDERS, 20-25 CARS AT 7:45 AM & 3:00 PM.

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

THIS IS A MINOR EXPANSION OF THE EXISTING USE WHICH HAS HAD NO DETRIMENTAL EFFECT TO THE SURROUNDING COMMUNITY.

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

THIS TEMPORARY BUILDING WILL BE ADJACENT TO THE LOADING DOCKS OF ECKES TRUCKING. THE STRUCTURE IS IN HARMONY WITH OUR BUILDING AND WILL BE BARELY VISIBLE FROM US Hwy 15/SO1

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

THE TEMPORARY FACILITY WILL BE CONNECTED TO ABERDEEN WATER & SEWER AND DUKE POWER PROGRESS ENERGY. THE PHYSICAL SITE IS THE HIGHEST & BEST DRAINED LOCATION ON OUR PROPERTY.

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

THE BUILDING WILL BE LOCATED WELL WITHIN OUR PROPERTY LINES WITH DROP OFF & PICKUP / PARKING WELL OF PUBLIC ROADS.

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

THIS REQUEST IS A MINOR EXPANSION OF EXISTING APPROVED USE.

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

THE ACADEMY OF MOORE COUNTY HAS AND WILL CONTINUE TO FOLLOW ALL LOCAL REGULATIONS OF THE PROPERTY IN WHICH IT IS LOCATED.

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

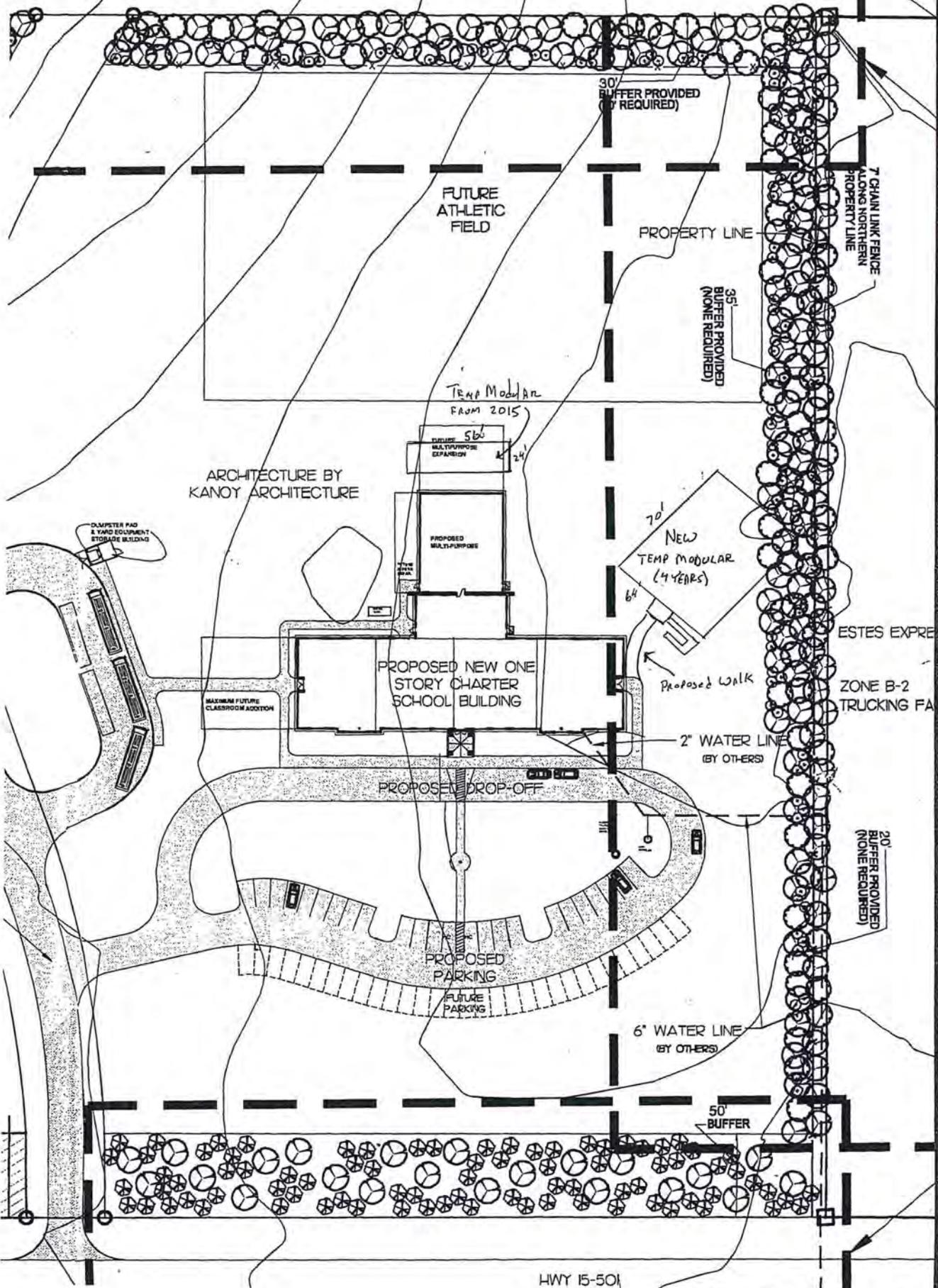

Applicant's Signature

6/6/2016
Date

M/it
Property Owner's Signature

Date

S.R. RANDELL
ZONE R-A
RESIDENTIAL USE

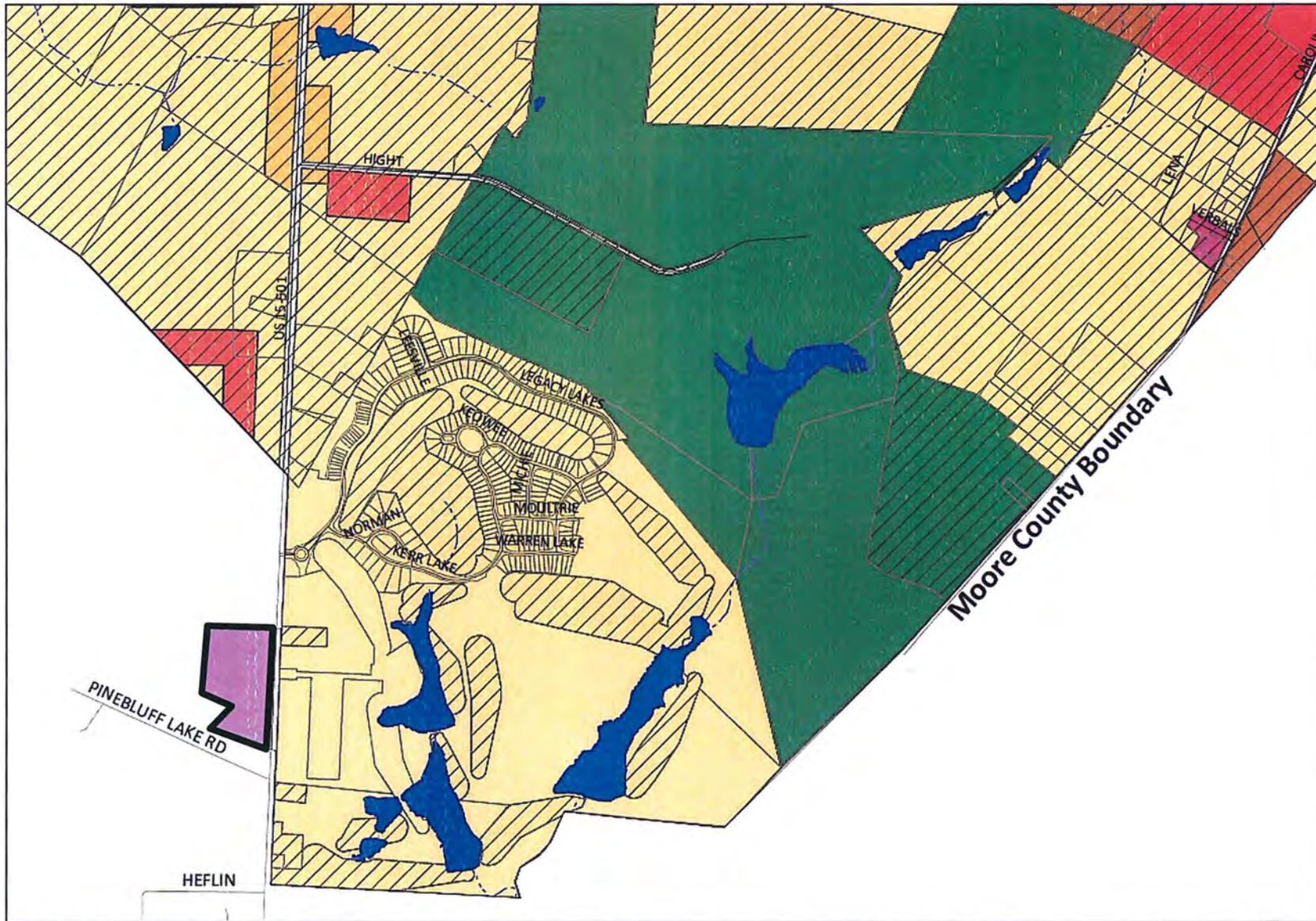


HWY 15-501

Conditional Use Permit CU 15-06 – Aerial Image



Conditional Use Permit CU 16-05 – Vicinity Zoning



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



TOWN OF ABERDEEN AGENDA ITEM ACTION REQUEST FORM

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

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

Contact Phone # 4517 **Date Submitted:** 9/20/16

Agenda Item Title: Continued Public Hearing for 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 _____ Approval at work session - immediate action _____	
Regular Board Meeting - Board Action (date of meeting should be filled in on line):	
New Business <u>9/26/16</u>	Information Only _____
Old Business _____	Consent Agenda _____
Public Hearing <u>9/26/16</u>	Informal Discussion & Public Comment _____
Other Business _____	

Summary of Information:
The Public Hearing held on 6/27/16 and 8/8/16 was continued until the 9/26/16 Board meeting.

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



MEMORANDUM TO THE BOARD OF COMMISSIONERS –
September 26, 2016 – Continued Public Hearing

Applicant:

George Nelson, on
behalf of GHN
Properties

Request:

Conditional Use Permit
CU #16-04 to
Construct **10**
Residential
Condominium Units

Location:

Lighthorse Circle, off
Saunders Blvd

Parcel ID:

00049527

Zoning:

R6-10

Existing Use:

Vacant lots within
Existing Condominium
Development

Proposed Use:

Multi-family

Prepared by:

Pamela Graham,
Planning Director

***New information is presented in bold type**

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 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 (“quads”), 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) buildings, two of which will contain three (3) units (“triplexes”) and one built as a quad with four (4) units, bringing the total count for the development to fifty 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.

The public hearing scheduled for 6/27/16 was continued until 8/8/16. On that date the hearing was continued again until 9/26/16 without new evidence being presented.

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 (Exhibits attached)

The property is contained within the Lighthouse Trace housing development, an area with total acreage of +/- 10.4 accessed by a loop road (Lighthouse Circle) from Saunders Boulevard. Eleven buildings currently exist with three vacant parcels remaining to be developed. There is significant treecover 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. **These two buildings now propose three units each as opposed to four and a modified retaining wall is proposed to handle the steep grade at the rear of the lots.** Staff will review 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. The plans originally approved in 2005 indicate front setback distances ranging from 5' to 45' with six units showing setbacks at 10' or less. Revised plans from 2008 proposed duplexes for lots 25-34 and show front setbacks that range from 1.5' to 10'. Lots 31-34 were built per this plan, with the setback on lot 31 measuring 1.5'. Condition #8, recommended by the Planning Board, allows for front setbacks to be reduced to ten feet, which is mostly consistent with the existing units but greater than some.

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 compliance with this requirement; staff will ensure compliance during Site Plan Review and through site inspections during construction.***
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. ***The Board may determine that, as the current proposal is for fewer than 16 units, the current proposal is not bound by this requirement. Furthermore, 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. Condition #10, waiving this requirement, has been added for the Board's consideration.***
4. Building design features include: *(detailed plans will be submitted for staff review following approval of the CUP, however, the applicant has submitted a preliminary site plan, as well as proposed plans and elevations in order to provide sufficient documentation for the Board to make a decision)*
 - 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.

Staff believes items a, b, c, and g have been met based on the most recently submitted plans. Existing buildings in the development do not currently meet items d and f; requiring compliance with these items will be in conflict with the character of the existing development. The applicant has verified that for item e, the proposed facades exceed the 60% requirement when garage projections, entryway recesses and windows are calculated. The facades for the proposed buildings are patterned after the existing buildings.

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 September 26, 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. **Multi-family standards requiring construction of a school bus shelter are waived.**
11. 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: Preliminary Site Plan
Proposed Lot Layouts
Proposed Lot Layout with Retaining Wall
Proposed Building Elevations
Proposed Building Floor Plans
Vicinity Zoning Map
Green Growth Toolbox Assessment

ACRES
0146
1593
1949
1938
1670
1569
1656
1618
1612
2126



PROPOSED DUPLEX FOOTPRINT, TYP.
 PREVIOUSLY PLATTED LOT, TYP.
 FUTURE QUADPLEX UNIT, TYP.

CONNECT TO EXISTING RCP

PROPOSED RELOCATED
 STORM DRAIN EASEMENT
 AND PIPE

CONNECT PROPOSED 24" RCP TO
 EXISTING UNDER LIGHTHORSE TRACE
 CIRCLE

EXISTING QUADPLEX UNIT, TYP.

EXISTING STORM
 DRAINAGE EASEMENT

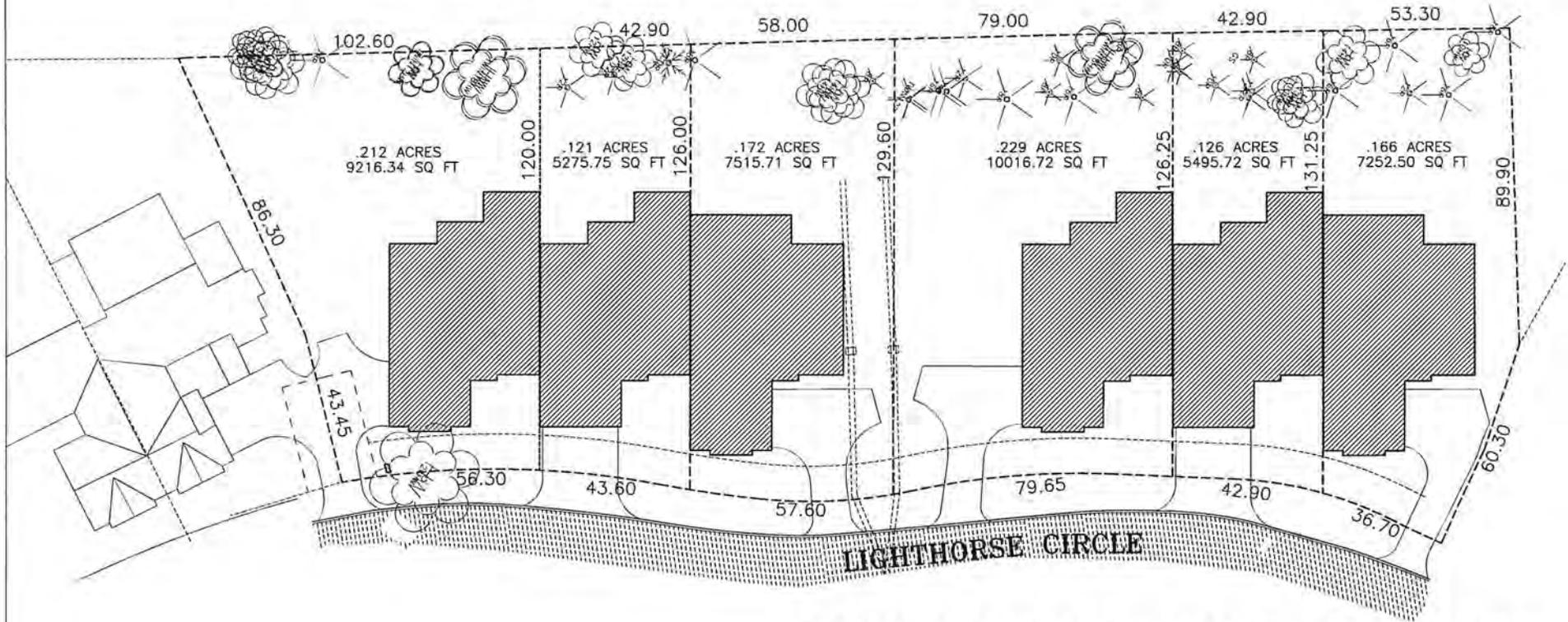
EXISTING RETENTION POND

PROPOSED
 DRIVEWAY, TYP.



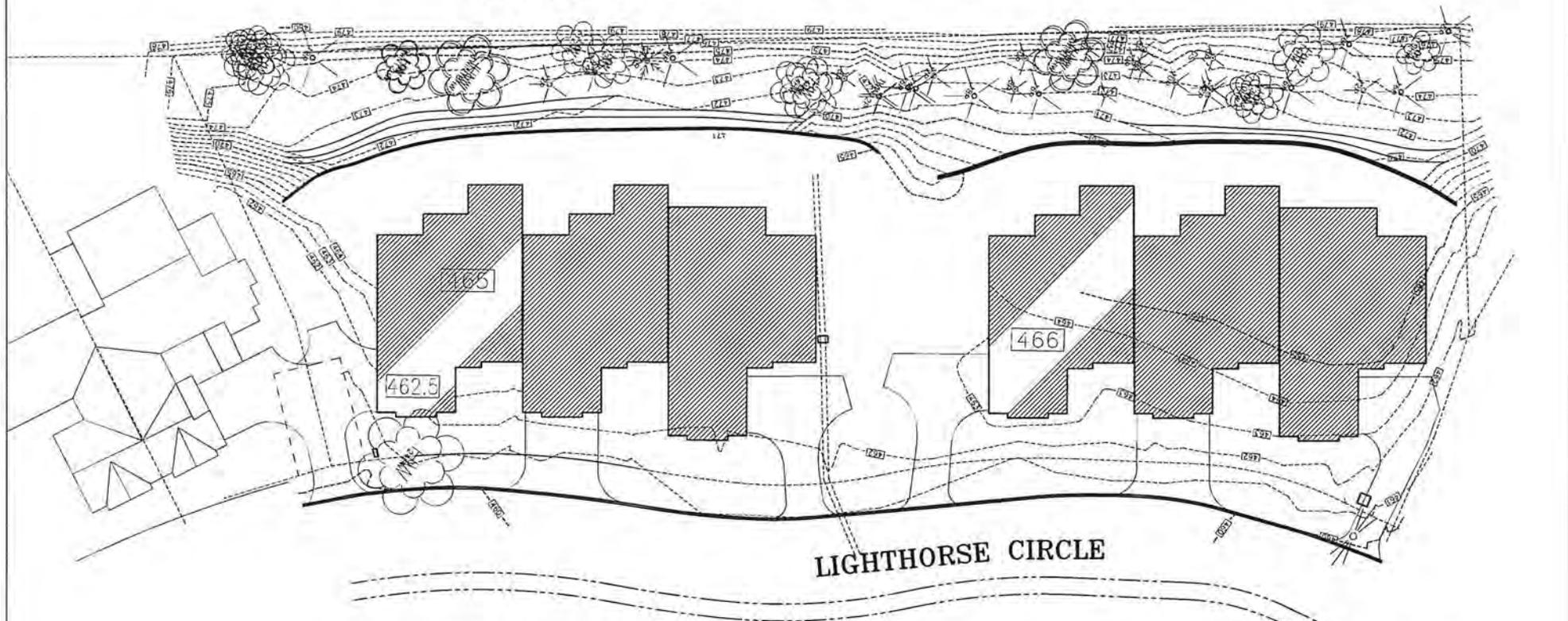
SCALE: 1"=30'-0"
 0 15' 30' 60'

SAUNDERS BOULEVARD



PROPOSED LOT LAYOUT

SAUNDERS BOULEVARD

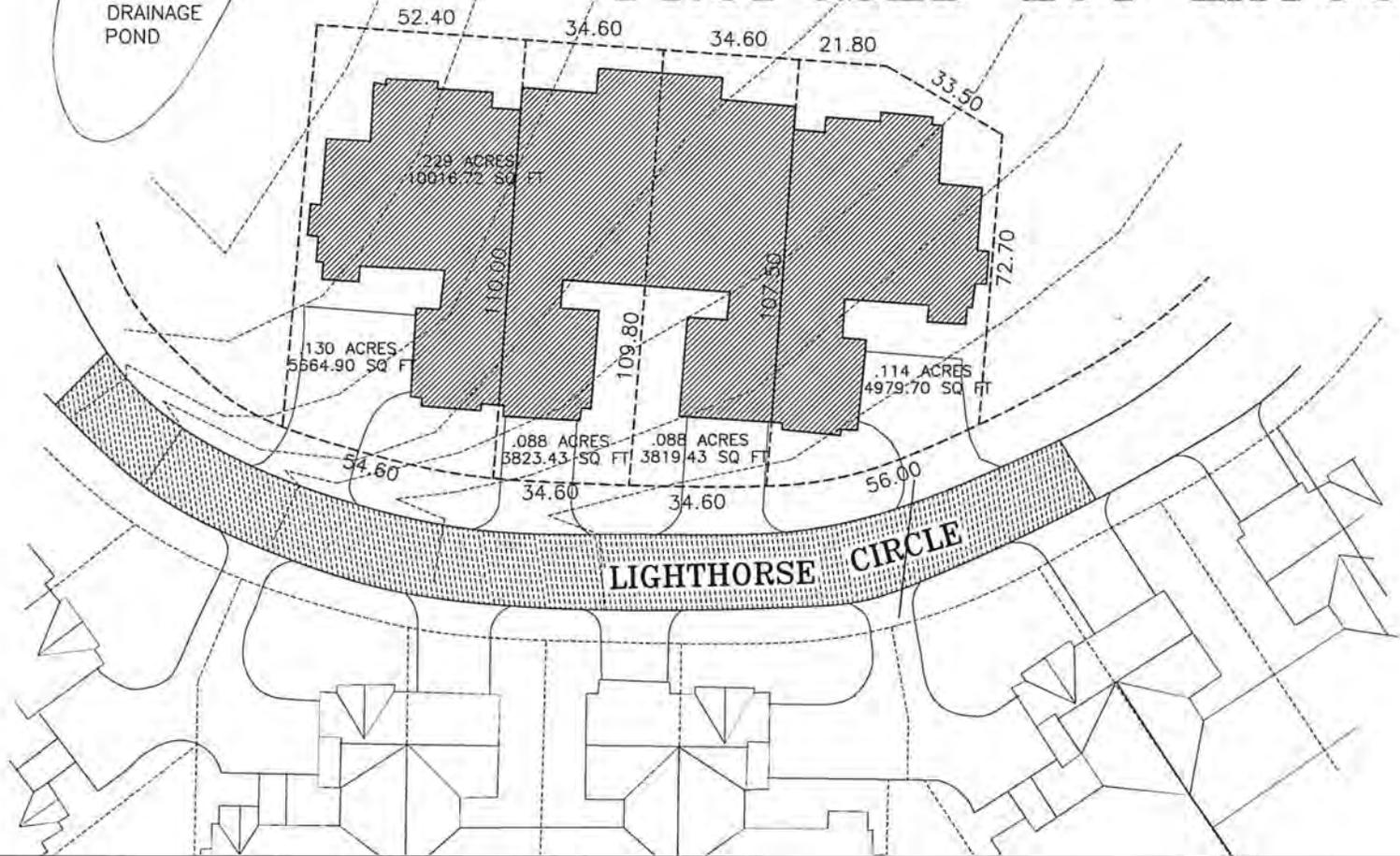


LIGHTHORSE CIRCLE

PROPOSED TOPO WITH RET. WALL

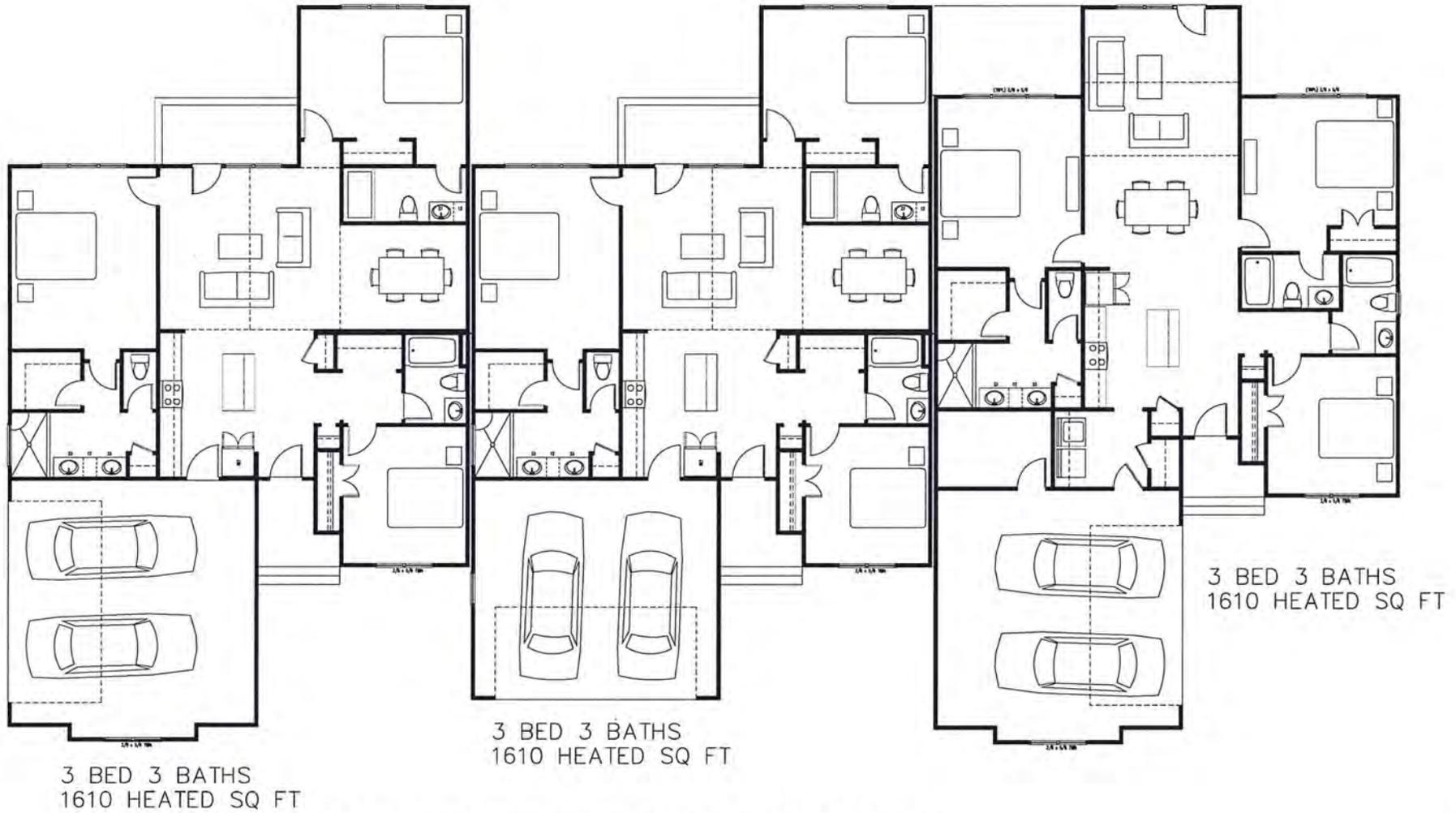
PROPOSED LOT LAYOUT

DRAINAGE
POND



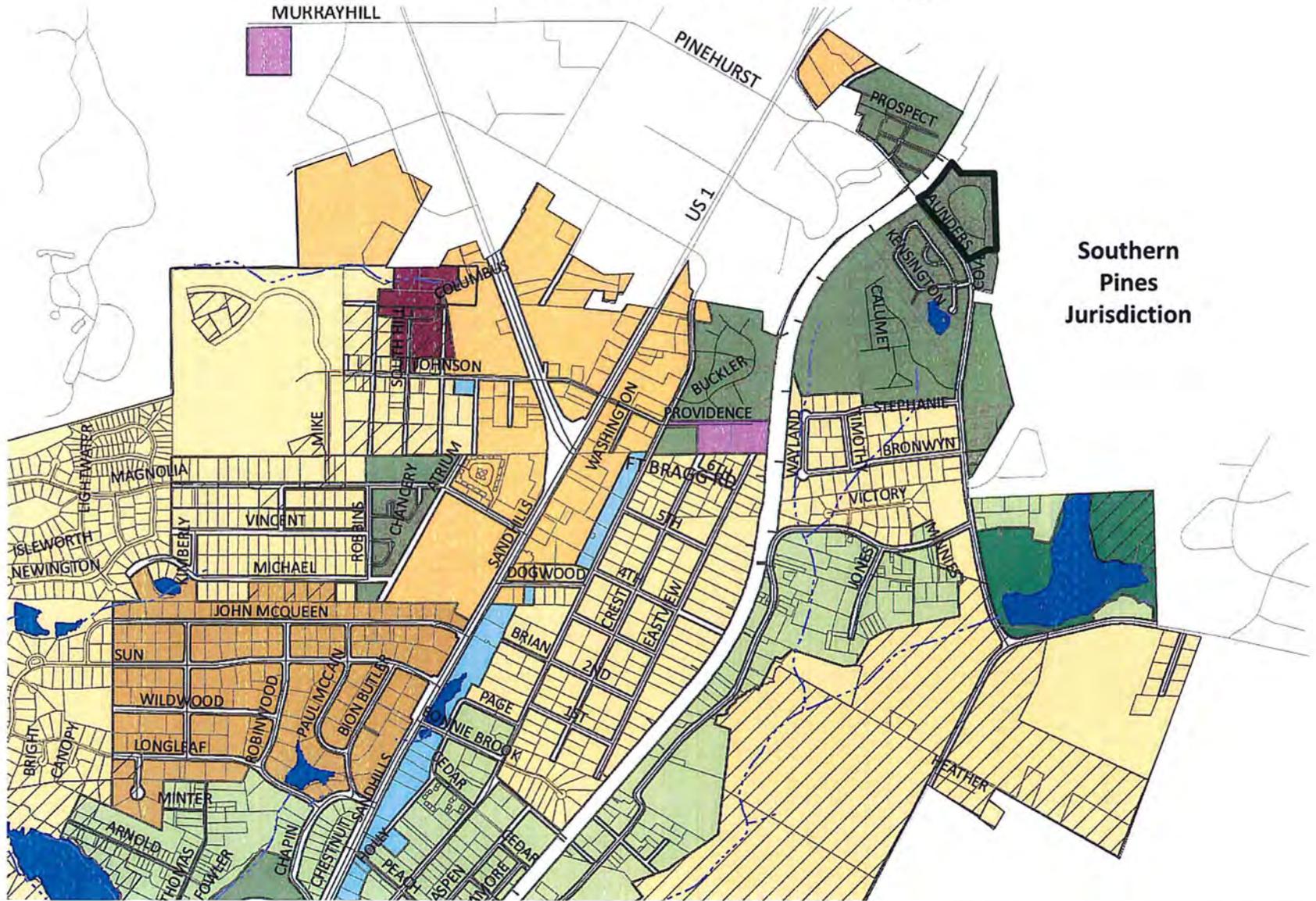


PROPOSED FRONT ELEVATION



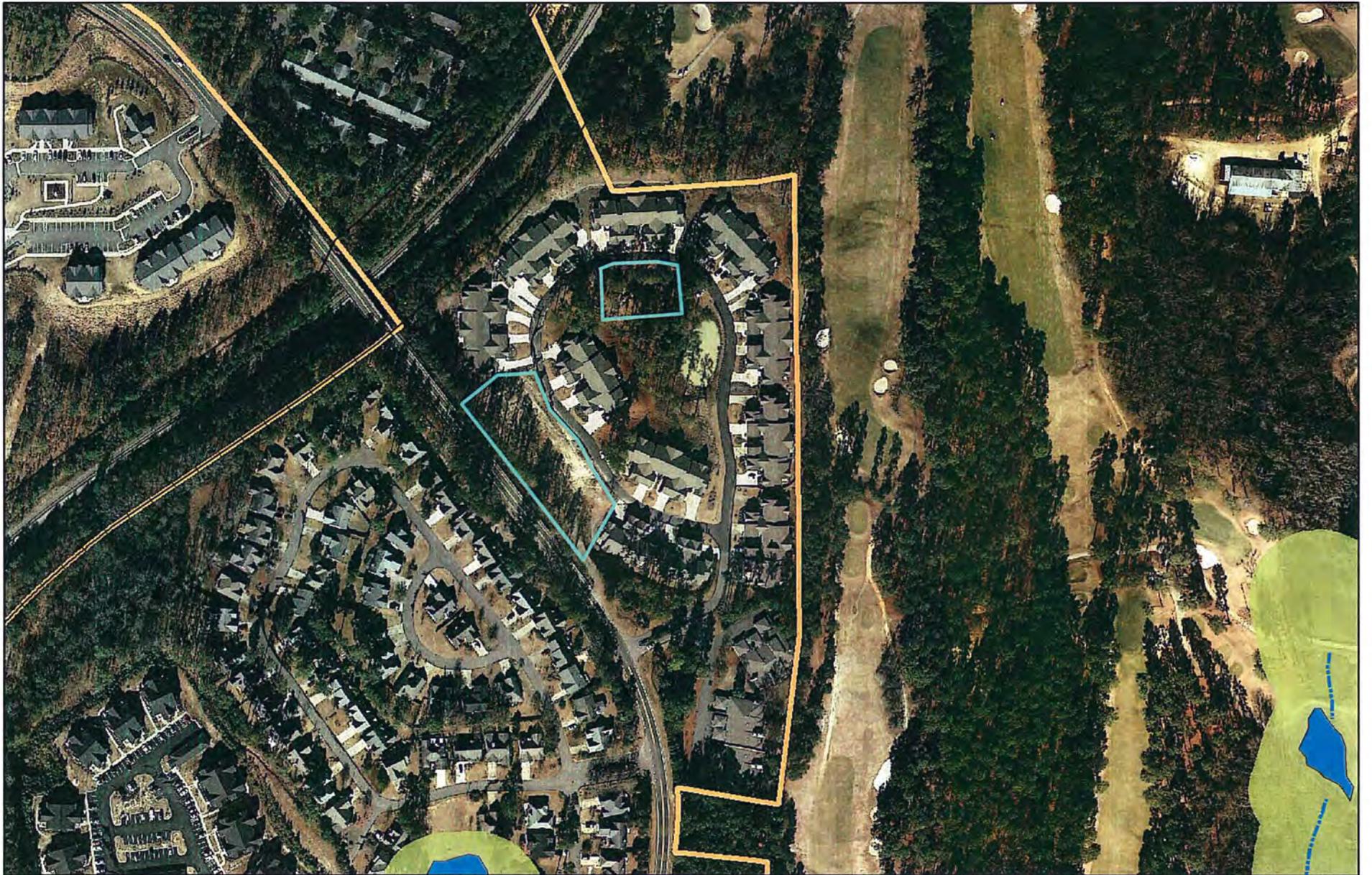
PROPOSED TRIPLEX PLAN

CZ #16-04– Vicinity Zoning



Southern
Pines
Jurisdiction

	B-1		C-1		HC		RA		R15-12		R30-18		R10-10-C		Aberdeen ETJ
	B-2		I-H		O-1		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



Aberdeen Fire Rescue Department

Serving the community since 1921



910-944-7888

800 HOLLY STREET
ABERDEEN, NC 28315 Fax: 910-944-9755



To: Mayor R. Farrell, Board of Commissioners, Town Manager Bill Zell
From: Fire Chief P. Richardson
Date: September 21, 2016
Reference: New Squad Apparatus

The specking and bidding process for the procurement of our new squad apparatus is complete and the bid came in at \$148,900.00. You had budgeted \$150,000.00 in capital for this purchase. I am requesting final approval to move forward with this purchase. This vehicle will take up to 270 days to build, so we should expect delivery of it early June 2017. This vehicle will enhance our response to calls for service as well as our everyday duties.



Sandhills Gymnastics

220 Ampersand Dr. Aberdeen, NC. 28315

PO Box 3789, Pinehurst, NC 28374

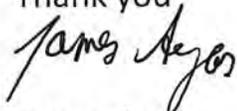
910-295-0724

Dear Mayor Farrell,

As we get ready to celebrate National Gymnastics Day 2016, I was hoping you would be able to sign the enclosed proclamation to help us in our celebration. I know it is short notice so if you are unable, I would certainly understand. If you are able to sign it, I would be glad to pick it up at your convenience.

Also, please feel to drop in to our Parents Night Out fund raiser September 17th between 7pm and 10pm.

Thank you



James Ayars

Sandhills Academy of Gymnanastics



Proclamation

- Whereas** USA Gymnastics and its member clubs across the nation annually celebrate National Gymnastics Day to showcase the sport of gymnastics and to encourage and promote physical fitness among our nation's youth
- Whereas** Gymnastics provides a great foundation for building strength, flexibility, and fitness and also for life skills, enhancing self-esteem and goal-setting abilities
- Whereas** On National Gymnastics Day, gymnastics clubs across the United States partner with USA Gymnastics to heighten visibility of the sport and encourage participation at the grassroots level
- Whereas** Collectively, our nation, our state, and USA Gymnastics strive to encourage greatness and achievement in our young people
- Whereas** National Gymnastics Day is integrated as a means of promotion for the sport of gymnastics globally
- Whereas** On National Gymnastics Day USA Gymnastics focuses clubs toward creating activities centered on gymnastics as a means of fitness, education, diversity, and inclusion
- Whereas** Grants awarded to clubs for National Gymnastics Day support grassroots growth as well as diversity and inclusion in the sport through events/initiatives held at or by gym clubs on National Gymnastics Day
- Whereas** Grants will also be awarded to support clubs providing scholarships to athletes in need of financial assistance to remain active in the sport

On behalf of the state of _____

I, Mayor _____, join USA Gymnastics and its clubs in
proclaiming September 17, 2016 as National Gymnastics Day.

We are asking the clubs in each state to help get a proclamation for National Gymnastics Day from their state. The states processes are not allowing us to get them for you so please download the proclamation and send it to your mayor. Once the proclamation has been returned to you, please scan it and send it to USA Gymnastics. Please send to Loree Galimore at lgalimore@usagym.org or mail to USA Gymnastics, Attn: Loree Galimore, 132 E. Washington St., Suite 700, Indianapolis, IN 46204.