



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

October 10, 2016
Monday, 6:00 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

1. NCDOT Well Project – Well #28. **Consider Action at Work Session**
2. Continued Public Hearing for CU #16-04-B Submitted by George Nelson for Property Located on Lighthorse Circle. **Consider Action at Work Session**
3. Resolution to Accept Renewed Surety Bonds to Guarantee Infrastructure at Legacy Lakes. **Consider Action at Work Session**
4. Update on Concerns at Legacy Lakes.
5. Quarterly Transportation Update.
6. Other Business.
7. Closed Session pursuant to N.C. General Statute 143-318.11(a)(3), (4), and (5) to preserve the attorney-client privilege, to discuss economic development matters, and to discuss the possible acquisition of real estate.
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.



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: Rickie Monroe **Department:** Public Works

Contact Phone # 910-690-2309 **Date Submitted:** 10/6/2016

Agenda Item Title: NCDOT Well Project

Work Session - Board Action (date of meeting should be filled in on line) :

Information Only _____

Public Hearing _____

Approval at work session - immediate action 10/10/16

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:

Information was furnished in the 9/16/16 Weekly Report about being \$96,000 short to finish the Well #28 project (part of NCDOT well replacement project). Guidance is being requested on how the Board would like me to proceed to complete the project.

Consideration of guidance is requested at the 10/10/16 Work Session.

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

Update on NCDOT Well Project:

We currently have estimates that will exceed the \$700,000 amount that is the maximum the NCDOT has allotted for this project. If we proceed with the third well site it is possible that the Town may have to pull \$96,433.63 from the Fund Balance to complete this project. Also this third well is proposed to produce 250 plus gallons per minute. With that 250 gpm and another 250 gpm from Well #26 and #27 that will provide us with a total of 500 gpm. The NCDOT is replacing Well #9 and Well #5 that produced a total of 320 gpm, so if we continue with Well 28 development we will actually end up with 180 gpm more than we needed to satisfy the agreement. The 180 gpm surplus would be equal to one additional or maybe two that could cost as much as \$400,000, so Rickie thinks the Town providing the \$96,000 to complete would be a very good deal. Rickie will still talk with EPA to see if funds are available to help us out with this balance. However, if the Board of Commissioners would commit to paying the additional funds if needed then we can complete this site that we already have \$23,000 invested in. Also since we are working on price estimates it is possible that the \$96,000 amount may be reduced.



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:** 10/4/16

Agenda Item Title: Continued Public Hearing for CU #16-04-B 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 10/10/16

Information Only _____

Old Business _____

Consent Agenda _____

Public Hearing 10/10/16

Informal Discussion & Public Comment _____

Other Business _____

Summary of Information:

The Public Hearing held on 6/27/16, 8/8/16, and 9/26/16 was continued until the 10/10/16 Work Session.

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



**MEMORANDUM TO THE BOARD OF COMMISSIONERS –
October 10, 2016 – Continued Public Hearing**

Applicant:

George Nelson, dba
GHN Properties

Request:

Conditional Use Permit
CU #16-04-B to
Construct **Six**
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 **CU #16-04-B** to construct **two (2)** 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. CU #16-04 was submitted to complete the development with the construction of (3) buildings, two of contain three (3) units (“triplexes”) and one to be 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. **On 9/26/16 the Board approved the quad building proposed for the interior of the loop road, and continued the public hearing until 10/10/16 to reconsider the two triplex buildings.**

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 middle 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 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. 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 front yard setback was reduced to ten (10) feet in the 9/26 approval of CU #16-04-A, due to extraordinary circumstances being present to justify a deviation from the specific requirements of the UDO. In this instance, the existing units display front setback distances ranging from 5' to 45' with six units having setbacks of 10' or less.**

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 determined during the 9/26/16 Public Hearing that, as the current proposal is for fewer than 16 units, and because buses have the ability to travel the full length of Lighthorse Circle, extraordinary circumstances are present to justify waiving this requirement. Condition #10 waiving this requirement was approved in the 9/26/16 decision and is included in the current recommended conditions.***
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 ***(this requirement has been met based on the submitted plans);***
 - b. Interesting and attractive architectural design ***(this requirement has been met based on the submitted plans);***
 - c. Flat walls with minimal features are prohibited ***(this requirement has been met based on the submitted plans);***
 - d. Buildings may not exceed 150 feet in length ***(this requirement was waived in the 9/26/16 decision, due to the presence of extraordinary circumstances);***
 - 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 ***(this requirement has been met based on the submitted plans);***
 - f. Front entry garages must be recessed at least 12' behind the unit front wall ***(this requirement was waived in the 9/26/16 decision, due to the presence of extraordinary circumstances);***
 - 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 ***(this requirement has been met based on the submitted plans);***
 - 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-B: 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 **all units originally proposed by CU #16-04-A and B**, with conditions as indicated on the following pages. A Public Hearing was held on 6/27/16 and continued until 8/8/16 **and again until 9/26/16** to allow opportunity for the applicant to meet with the existing Homeowners' Association and other interested parties to address concerns about the development plans. **On 9/26/16 the Board approved the quad building proposed for the interior of the loop road, and continued the public hearing until 10/10/16 to reconsider the two triplex buildings. The 9/26 approval has been captured as CU #16-04-A, with the current proposal being designated as CU #16-04-B. During the period between the two meetings, the project architect, Mr. Dean King, has met with residents of the community and has provided new concept images showing the proposed triplexes (enclosed).**

Staff recommends that the Board accept public comment regarding Conditional Use Permit CU #16-04-B during the continued public hearing scheduled for October 10, 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-B (is/is not) within the jurisdiction of the Town Board according to the Table of Permissible Uses.
- Motion 2: CU #16-04-B (is/is not) complete as submitted.
- Motion 3: CU #16-04-B, 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-B (satisfies/does not satisfy) Finding #1: will not endanger public health or safety. If not, list why.
- Motion 5: CU #16-04-B (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-B (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-B (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-B based on the following:

 - Issues approval of CU #16-04-B.
 - Issues approval with conditions of CU #16-04-B as follows.

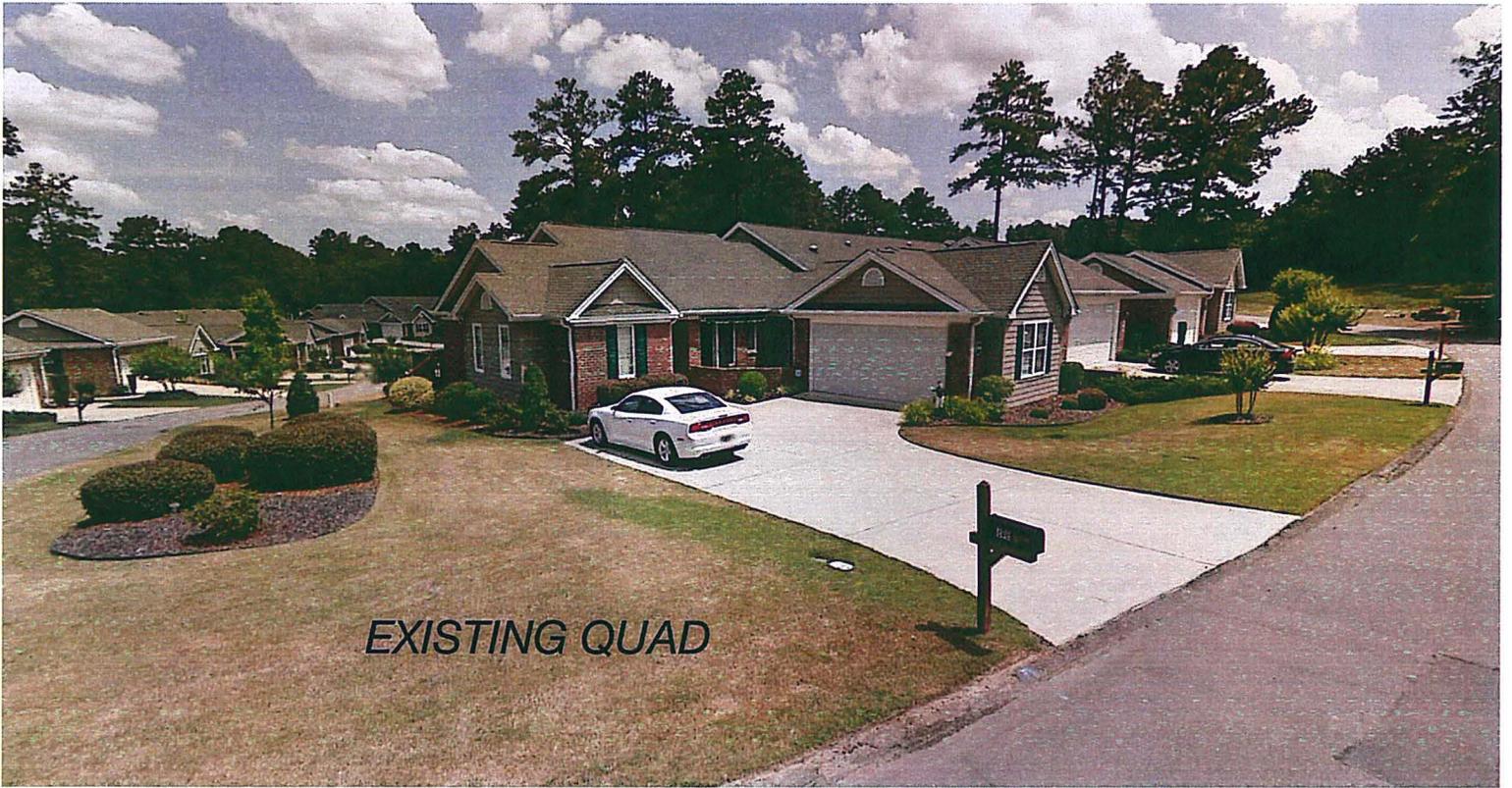
Recommended Conditions

1. Conditional Use Permits (CUPs) run with the land and as such CU #16-04-B applies to the **two tri-plex buildings proposed for the vacant land between Lighthorse Circle and Saunders Boulevard, having addresses identified on Moore County GIS as 800 through 930 Lighthorse Circle, and being a portion** 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-B 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 six (6) 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-B. 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 CU #16-04-B.

Enclosures: Preliminary Site Plan
Revised Triplex Layout with Retaining Wall
Existing Quad/Proposed Triplex Comparison
Proposed **Triplex** Floor Plan
Vicinity Zoning Map
Green Growth Toolbox Assessment

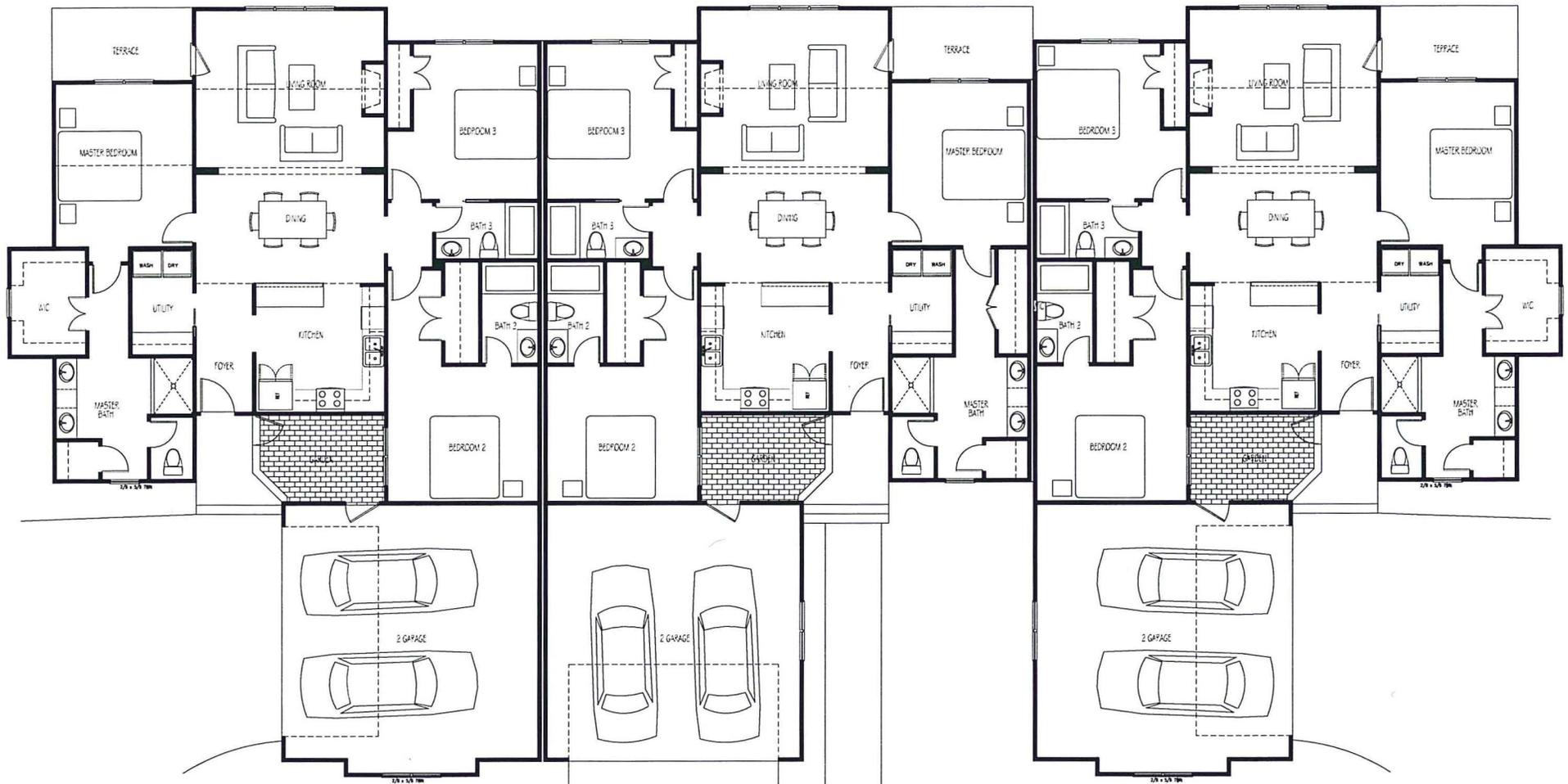


EXISTING QUAD



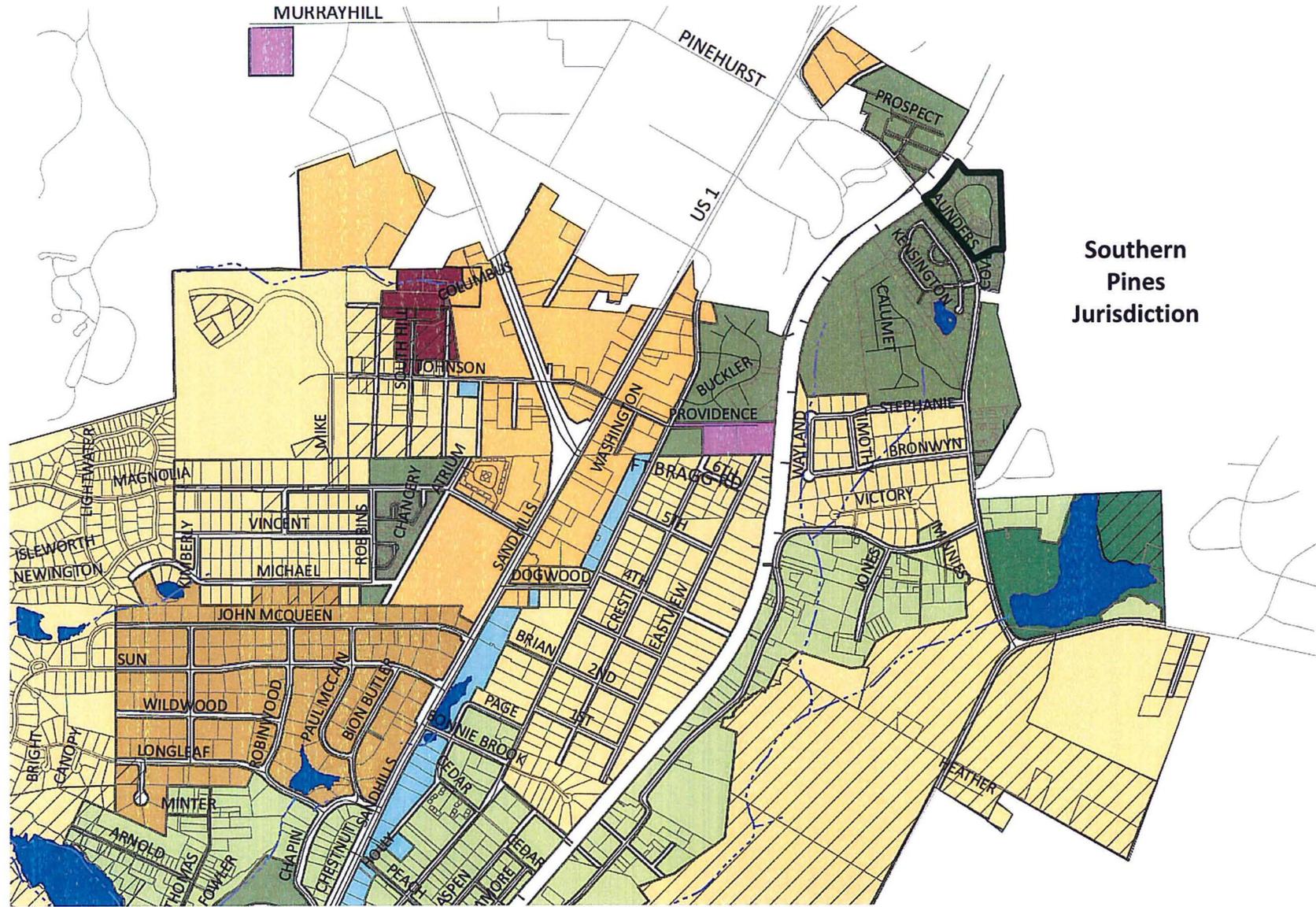
PROPOSED TRIPLEX

3 BED 3 BATHS
1610 HEATED SQ FT



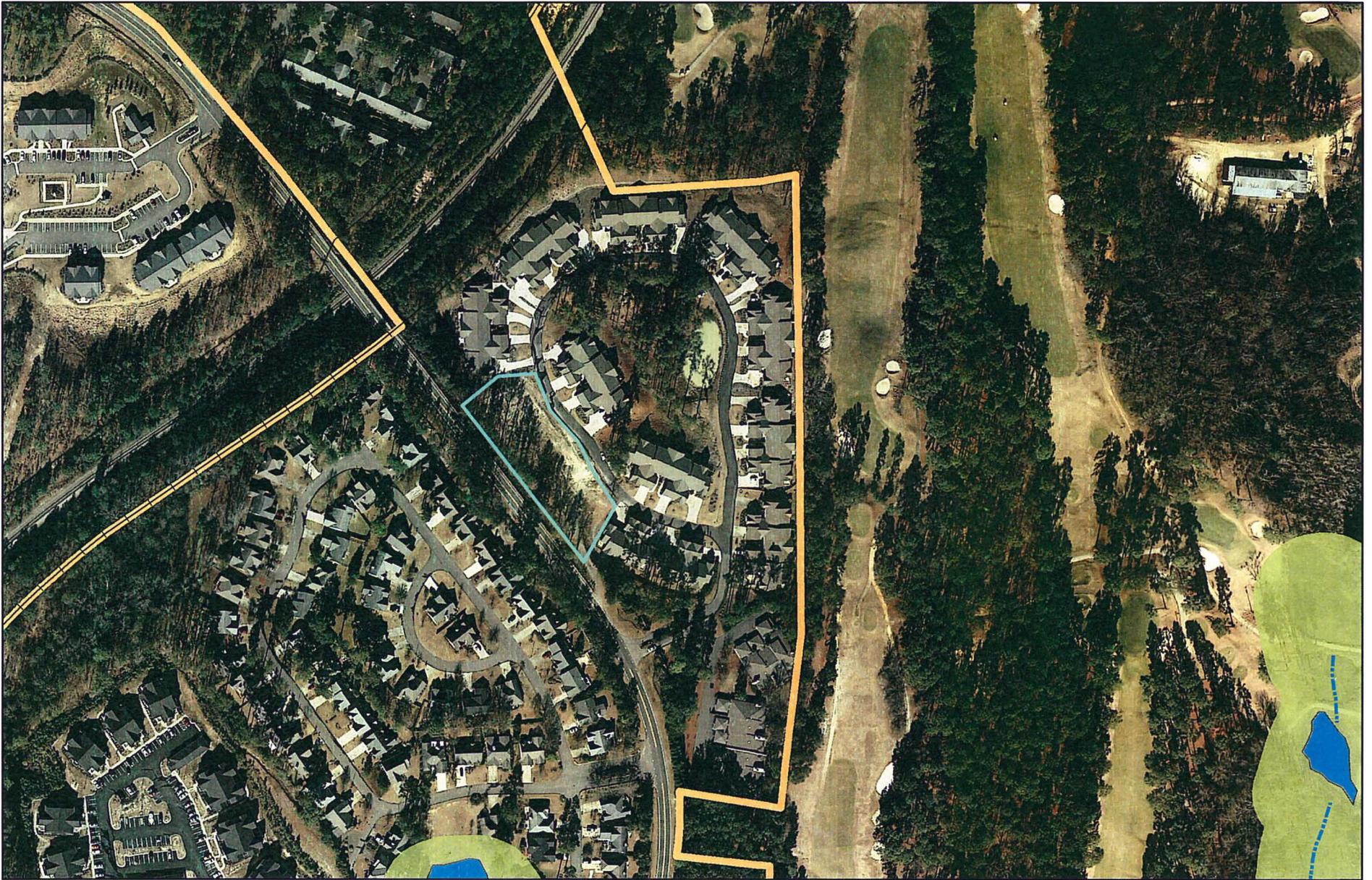
PROPOSED TRIPLEX PLAN

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		



Area To Be Developed



Aberdeen Jurisdiction



Conditional Use Permit CU 16-04-B Green Growth Toolbox Assessment

Stream



Recommended Stream Buffer





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:** 10/4/2016

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

Work Session - Board Action (date of meeting should be filled in on line) :
Information Only _____
Public Hearing _____
Approval at work session - immediate action 10/10/16

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.):



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 – October 10, 2016 Work Session

Request:

Acceptance of
Surety Renewals
for Legacy Lakes

Prepared by:

Pamela Graham,
Planning Director

Description of Request

On October 25, 2012, MFV-FC Portfolio, LLC, a subsidiary of Mountain Real Estate Capital closed on the purchase of Legacy Lakes including all collateral held by FC-Pinehurst, LLC. Nine surety bonds were in force for this development on that date, and were transferred to the new owners through replacement bonds for equal amounts as detailed below. These replacement bonds, accepted by the Town Board on November 13, 2012, expired on 10/9/2014. The Town Board has accepted renewals in 2014 and 2015 with the current bonds being scheduled to expire on 10/10/2016. A portion of the sidewalks covered by the bonds have been completed, but a current inventory is pending. The developer has remained in contact with staff in recent months as they attempted to schedule the final coat of asphalt for the roads, and they have encountered repeated delays from the paving company. While our expectations were that the work would be completed prior to the bond expiration date, this has not occurred and an additional renewal is necessary. Staff believes that sufficient efforts have been made by the developer and the delays appear to be the responsibility of the paving company, which has been hampered by scheduling conflicts and weather.

The current renewals of the bonds are enclosed for reference and are ready for acceptance by the Board. Also enclosed is an update on the paving work and an Assurance Letter from Thomas Clement of MFV-FC Portfolio, LLC. These documents offer descriptions of the efforts and delays regarding the project, as well as a statement setting an expected date of 12/31/16 for the project to be at a point where bonds can be reduced and/or released (as sidewalks are installed as individual lots are developed the Town would still expect guarantees for the completion of all sidewalks for Phase 1).

Enclosed also please find a resolution for acceptance of the renewals. No reduction in surety has been requested at this time by the developer, although some portion of the sidewalk plan has been completed since last October. While the bonds will set a new expiration date of 10/10/2017, staff will continue to work with MFV-FC Portfolio and LStar in any way possible to facilitate a completion date for the final coat of asphalt by the end of this year, and will request an inventory of sidewalks from LStar at that time.

The bond renewals are as follows:

MFV –FC Surety	Amount	Purpose	Expires
1080075	\$81,412.81	Sidewalks, Phase 1, Map 2	10/10/2017
1080076	\$70,265.00	Sidewalks, Phase 1, Map 1	10/10/2017
1070077	\$65,025.94	1” Road Top Coat, Phase 1, Map 1	10/10/2017
1070078	\$96,285.30	1” Road Top Coat, Phase 1, Map 2	10/10/2017
1080080	\$49,927.50	Phase 1, Map 4 paving costs for local subdivision roads	10/10/2017
1080081	\$79,915.24	Phase 1, Map 4 sidewalk improvements and 1” overlay	10/10/2017
1080082	\$132,333.62	Phase 1, Map 3, townhomes paving and curb	10/10/2017
1080083	\$29,812.50	Phase 1, Map 5 Sidewalk	10/10/2017
1080084	\$23,997.50	Phase 1, Map 5 paving	10/10/2017

Staff Recommendation

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

Enclosures: Resolution to Renew Surety
MFV-FC Paving Update
MFV-FC Portfolio Assurance Letter

**RESOLUTION TO RENEW SURETY FOR MFV-FC PORTFOLIO LLC
FOR INFRASTRUCTURE IMPROVEMENTS FOR**

Legacy Lakes, Phase 1

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

WHEREAS, MFV-FC Portfolio, LLC posted surety for sidewalks and subdivision improvements for the development of lots and townhomes in Phase 1 of The Legacy with an expiration date of October 10, 2016; and

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

WHEREAS, MFV-FC Portfolio, LLC offers a renewal of all surety for Phase 1 of The Legacy with an expiration of October 10, 2017 as detailed below;

MFV –FC Surety	Amount	Purpose	Expires
1080075	\$81,412.81	Sidewalks, Phase 1, Map 2	10/10/2017
1080076	\$70,265.00	Sidewalks, Phase 1, Map 1	10/10/2017
1070077	\$65,025.94	1” Road Top Coat, Phase 1, Map 1	10/10/2017
1070078	\$96,285.30	1” Road Top Coat, Phase 1, Map 2	10/10/2017
1080080	\$49,927.50	Phase 1, Map 4 paving costs for local subdivision roads	10/10/2017
1080081	\$79,915.24	Phase 1, Map 4 sidewalk improvements and 1” overlay	10/10/2017
1080082	\$132,333.62	Phase 1, Map 3, townhomes paving and curb	10/10/2017
1080083	\$29,812.50	Phase 1, Map 5 Sidewalk	10/10/2017
1080084	\$23,997.50	Phase 1, Map 5 paving	10/10/2017

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

Adopted this the 10th day of October, 2016.

Robert A. Farrell, Mayor

Attest:

Regina M. Rosy, Clerk



October 5, 2016

Pamela Graham, AICP, PLA, CZO
Town of Aberdeen
PO Box 785
Aberdeen, NC 28315
pgraham@townofaberdeen.net

Sent Via Email and US Mail

RE: Legacy Lakes and Remaining Developer Obligations for Phase 1

Dear Pamela Graham:

As Vice president of MFV-FC Portfolio LLC (MFV-FC), owner of the Legacy Lakes Subdivision in Aberdeen, NC, I am writing in regards to the installation of the final lift of asphalt and common area sidewalks that are associated with the sureties listed below:

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

On July 21, 2016, we executed a written contract with Riley Paving, Inc., to complete the installation of the common area sidewalks and the final lift of asphalt in Phase 1 of Legacy Lakes. The work was scheduled to commence on August 1, 2016, with all work to be completed by or before August 26, 2016. This schedule met the expectation of the Town, the homeowners and of MFV-FC.

Due to heavy amounts of rainfall over the past 60 days (51 days experienced rainfall), Riley Paving and its crews have experienced significant delays on other projects that must be completed prior to starting any work at Legacy Lakes. Our Project Manager (Brooke White of LStar) speaks with Riley two times a week to get updates regarding the schedule. However, they have not yet been able to commit to a start date.

We had hoped that crews would be in a position to start in early October, but the heavy rains on September 28th and the potential threat of *Matthew*, has created additional delays and pushed the start date to the end of October (best case scenario). If you have specific questions, Riley Paving is available and willing to address the Board's concerns in more detail. Please contact the owner, Debbie Riley, at 910.638.5357 or the Project Coordinator, Laurie Bransen, at 910.639.3531.

In regards to Surety 1080082 in the amount of \$132,333.62 for Phase 1 Map 3, MFV-FC sold 18 of the home sites (T4-T21) to Silver Ridge Holdings, LLC (AKA Goneau Construction) on July 7, 2016. As part of this transaction, the Purchaser is responsible for constructing the sidewalks, driveways, alleys and parking areas shown on the plat recorded in Plat Cabinet 14, Slide 265, known as Oconee Lake Place, Oconee Lake Way and Oconee Lake Alley. MFV-FC will be paving the roads highlighted in orange on the attached map. Silver Ridge Holdings, LLC will be responsible for the installation of all remaining roads, sidewalks, street trees and common area landscaping shown on the plat referenced above.

Our team will continue to keep you posted on our progress and will share any updates that we receive from Riley Paving. Our goal is to have the final lift of asphalt installed as soon as possible. Our preference is to use Riley Paving to complete these services, but we are exploring other options as a back-up plan, which could be more costly but the expectations of all parties are important to us.

Please contact Brooke White at 919.256.1981 if you have any questions or if you would like to discuss this matter further.

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas M. Clement". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Thomas M. Clement
Vice President
MFV-FC Portfolio LLC
13860 Ballantyne Corporate Place
Charlotte, NC 28277



October 4, 2016

To Whom It May Concern:

MFV-FC Portfolio LLC, as owner of certain land and finished lots within Legacy Lakes, a Moore County community, hereby attests that it will make every effort to enact measures to cause the sureties listed below to be reduced and/or released by December 31, 2016.

MFV –FC Surety	Amount	Purpose	Expires
1080075	\$81,412.81	Sidewalks, Phase 1, Map 2	10/10/2017
1080076	\$70,265.00	Sidewalks, Phase 1, Map 1	10/10/2017
1070077	\$65,025.94	1" Road Top Coat, Phase 1, Map 1	10/10/2017
1070078	\$96,285.30	1" Road Top Coat, Phase 1, Map 2	10/10/2017
1080080	\$49,927.50	Phase 1, Map 4 paving costs for local subdivision roads	10/10/2017
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1080082	\$132,333.62	Phase 1, Map 3, townhomes paving and curb	10/10/2017
1080083	\$29,812.50	Phase 1, Map 5 Sidewalk	10/10/2017
1080084	\$23,997.50	Phase 1, Map 5 paving	10/10/2017

Please contact Brooke White with LStar Management at 919.256.1981 with any questions or concerns.

Respectfully,

A handwritten signature in cursive script that reads "Thomas M. Clement".

Thomas M. Clement
Vice President
MFV-FC Portfolio LLC
13860 Ballantyne Corporate Place
Charlotte, NC 28277



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:** 10/5/16

Agenda Item Title: Update on Concerns at Legacy Lakes

Work Session - Board Action (date of meeting should be filled in on line) :	
Information Only <u>10/10/16</u>	
Public Hearing _____	
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:

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



Town of Aberdeen

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

Planning Department
Building Inspections

Phone: (910) 944-7024
Fax: (910) 944-3672

October 6, 2016

Re: Resident Complaints – Legacy Lakes

The following is a list of specific complaints provided by Bruce Parker with staff responses. The purpose of this memo is to determine areas of responsibility and potential courses of action in an effort to bring resolution where we have the ability, and to make recommendations where we do not. The complaints included a petition signed by 120 residents of the community, and a sequence of photographs with dates and captions.

1. Lack of erosion and stormwater management – overall this is an NC Department of Environmental Quality (DEQ) responsibility and they have been contacted for input. A site inspection was made on 9/26/16 which included direct discussions with representatives from McKee Homes and Goneau Construction. They were informed that inlet protection was required and that erosion control submittals to DEQ will be required when cumulative disturbances from any single builder exceeds one acre. Staff will monitor cumulative lot disturbances and notify the builder and DEQ when there is evidence that the one acre threshold has been exceeded. Please keep in mind this addresses erosion control only and not stormwater controls. DEQ plans a follow up visit next week to look more closely at the ponds and lakes. I anticipate having a copy of the 9/26 inspection report by Monday afternoon.

- Silt fencing not maintained – Planning staff will begin calling out the need for silt fencing on site plans before zoning permits are issued. We will indicate minimum required locations and will monitor more frequently to ensure that the fences are functioning properly. We will rely on building inspectors and public works crews to alert us when they see anything that may need attention. Additionally, LStar has notified all active builders that silt fence is required around the lot perimeter of all lots under construction (see attached email dated 9/28/16).
- Excessive tree and soil removal – We have limited authority here. We can only prevent the removal of trees 12” or greater dbh when we determine that it does not “unreasonably burden the development”. Our procedure for enforcing this is to physically tag trees on the site that are outside of a 15’ buffer surrounding the proposed footprint of the structure and other paved areas such as driveways. Trees within the 15’ buffer will be compromised by compaction and cutting of roots that will make them less viable and potentially endanger nearby structures. The town is currently engaged in litigation on this matter and staff remains focused on being consistent in our enforcement and ensuring that we remain within our authority. We have no authority over soil removal.

The community's design guidelines likewise place limitations on removal of trees in certain areas and of specific size. LStar Management has the ability to enforce these guidelines and has reached out to SNS Engineering for assistance in resolving some of the stormwater issues (see enclosed email thread ending with an email from Brooke White to Pam Graham dated 10/5/16).

2. Violations of the noise ordinance (Police & Zoning are responsible for enforcement of noise ordinances)

- Loud music - §95.02 (A) of the Town's Code of Ordinances prohibits radios and similar devices from being operated in a manner that creates excessive and unnecessary noise across a residential real property line between the hours of 10:00 pm and 7:00 am.
- Working on Sundays and Holidays - §95.02 (C) Construction work is prohibited on weekends or holidays between the hours of 9:00 pm and 9:00 am.
- Per the attached email dated 9/28/16 from Brooke White to Legacy builders the developer restricts work to the hours of 7:00 am to sunset Monday through Friday. This internal policy is more restrictive than the town's ordinance and can only be enforced by LStar. Construction activities in violation of the town's ordinance should be reported to me and my department will respond accordingly.

3. Community Safety

- Speeding vehicles – Police Chief Tim Wenzel has been contacted directly by Bruce Parker, who provided specifics regarding violations that have been observed. Chief Wenzel has arranged for increased patrol in the area.
- Port-o-lets in the street – Public Works section of the Code of Ordinances §52.01 (A) “... no person shall place or deposit upon the public streets or sidewalks of the town any object that shall obstruct or tend to obstruct such street or sidewalk. (B) Division (A) of this section shall not apply to materials necessarily placed on sidewalks in the course of alteration or construction of any building, when such materials are placed thereon by a person duly bonded for such purpose and when the objects or materials are illuminated at night by red lanterns, red lights or torches.”

LStar advised Legacy builders in their 9/28 email (attached) that temporary toilets must be placed on the lot at least 20' from the street right-of-way. We will communicate directly with Brooke White when we observe violations. Rickie has confirmed that the port-o-lets should not be in the street and is prepared to take appropriate action if the problem continues.

4. Community Appearance

- Trash – Public Works section of the Code of Ordinances §51.03 “Building rubbish shall be collected, removed and disposed of by the contractor or builder, or in case of their failure to do so, by the owner of the property.” Rickie is prepared to respond to specific violations of this code.

LStar has notified builders in their 9/28 email (attached) that “all lots must have dumpsters or wooden trash boxes to collect trash, and they must be placed in a driveway or parking courtyard area. Stockpiling outside of the dumpster/box or dumping on adjacent lots or on streets will not be allowed ... dumpsters/boxes must be removed should any period of thirty (30) days pass with no construction activities at a home site. Trash not removed will be removed and billed to the responsible owner or contractor”. Violations should be reported to both LStar and Aberdeen Public Works.

- Housing colors – *The town has absolutely no authority here. The community’s design guidelines have limitations on “bright” colors and state that the primary colors must complement the architectural theme of the house. Concerns regarding house colors should be directed to Brooke White at LStar Management.*
- 5. Common Area Maintenance**
- Oversized trucks using bridge – *Rickie has received confirmation in writing that the bridge was inspected in April of this year by the NCDOT Structures Management Unit and that weight limit warning signs are not needed. They requested that the signs be removed.*
 - Silt runoff into storm system – *DEQ input and additional monitoring by staff can be expected. Additionally, notification was made by LStar in their 9/28 email to builders that silt fences are required around the lot perimeter of all active sites.*
- 6. Detailed issues with photos:**
- Lot 226 – silt fence removed, allowing water and sediment to run directly into storm drain. Also trash debris on this and other construction sites.
 - Lack of silt fence or fence not maintained on other lots.
 - Keowee Circle sediment. *Closer and more frequent inspections with fines when clear violations are present (violations that can be supported by the ordinance can be expected) can be expected. We expect to coordinate with DEQ on any items on which they can provide support.*
- 7. Sediment issue and “requirement” for a bioretention plan (photos show what appears to be sediment in lake) – DEQ has authority here and are currently investigating (see item #1):**
- Lake and marsh photos – *“Noticeable change to the lake composition and quality of water in the lake and reinforces the need for a bioretention plan by the developer” DEQ has been contacted and inspection has been requested.*
 - Several citations of §152-163, stating that bioretention is required. Also that *“development site plan must provide plans for stormwater management and address hydrology, and erosion sediment control”. 2006 (date of project approval) code states: “Stormwater management plan as approved by the State of NC and drainage facilities” as requirements for Site Plan Review (§155.027 – 10/1/07 code.) Current UDO states “The development site plan must provide plans for stormwater management. The stormwater plan must address hydrology, low-impact development design strategies and erosion sediment control. All proposed stormwater designs shall consider and, where possible, integrate the following stormwater management practices”. (§152-263 (3)). DEQ has jurisdiction here; they have advised that the Erosion Control Plan was approved by them in 2006 and was closed in 2012. Submittal to DEQ of plans to address erosion on a lot by lot basis can be required when any single builder actively disturbs a cumulative area of over one acre. Staff will monitor activities and advise both the builder and DEQ when these conditions are observed. The town ordinances do not require a bioretention plan and we are specifically prohibited from enforcing a standard higher than the state’s.*
- 8. Bridge maintenance**
- Cracks, “hasty repairs”, too much weight in trucks, lack of enforcement on truck route, lights on bridge need to work consistently, reflective warning signs need

replacement or repair. *Bridge was inspected in April 2016 and found to be sound. Rickie has had direct communication with Legacy residents on this matter.*

- *Sign at entrance directing trucks has been removed. Although bridge is capable of handling the truck traffic, signs at the entrance routing trucks to avoid the bridge could be replaced at the discretion of LStar. This will be difficult to enforce and may require a community effort including contacting the contractors directly when trucks are observed ignoring the sign. LStar is encouraged to contact the builders to ask them to be more alert to the practice.*

9. Trash dumping (across from lot 84) – “Brooke was made aware but nothing done”

- *Public Works section of the Code of Ordinances §53.02 “Clean and Orderly Condition of Premises”, 53.03 “Waste on Public Lands or in Waters Prohibited” – we can take action against the property owner when we are made aware of it. However, if someone other than the owner is guilty of the violation (which is likely) this will not resolve the problem. Public Works should be contacted when dumping is observed so that recourse from the violator, if different from the owner, can be attempted.*

LStar has notified builders in a 9/28 email (attached) that contractors are required to keep job sites clean of all trash and that dumping on adjacent lots or on streets will not be allowed.

We will continue to monitor activities at Legacy Lakes in response to these concerns and will step up our efforts as resources permit. Feel free to contact me if you have specific questions.

Sincerely,



Pamela Graham, AICP, RLA
Planning Director, Town of Aberdeen

Enclosures: Complaint Packet Submitted by Bruce Parker
Copy of 9/28/16 email from Brooke White to Homebuilders at Legacy Lakes
Letter from ICA Engineering dated 6/22/16
Copy of email thread ending involving SNS Engineering dated 9/30/16 to 10/5/16

Aug 22, 2016

Subject: Legacy Lake Resident Petition #1 against McKee Proposal for a Sales Trailer

Petition 1

Legacy Lake Residents against McKee Proposal for a Sales Trailer

We, the undersigned and residents of Legacy Lakes, want to go on record as being opposed to McKee's request to position a sales trailer or any other commercial structure near the entrance to Legacy Lakes or anywhere within our community.

The Town's Unified Development Ordinance (UDO) does not allow the placement of any trailer within our zoning district. McKee's request was denied by the Towns Planning Department about four months ago in accordance with existing statutes within the UDO. It is our opinion that McKee is attempting to circumvent the Towns decision by bringing this request before the general public during the Town Hall Meeting.

This initiative was not shared with the Legacy Lake Homeowners by McKee or LStar for reasons unknown to us. The residents learned about this request a few weeks ago and confirmed this fact with the Planning Department Director on July 29th. This is but one example of McKee's lack of transparency and failure to communicate with the residents in Legacy Lakes.

It has been our desire to work with all the General Contractors in a spirit of cooperation and transparency to resolve issues we have had with the construction in our community. We have had numerous Homeowner Meetings with the management teams from LStar, McKee, and Goneau since early 2015. The complaints have ranged from the lack of erosion and storm water management (silt fencing not maintained and excessive tree and soil removal), violations of the noise ordinance (loud music and working on Sunday/Holidays), community safety (speeding vehicles, porta-lets in the street), community appearance (trash, housing colors), and common area maintenance (oversized trucks using the bridge and silt runoff into the storm system) to name a few.

In addition to formerly stating our opposition to the trailer proposal from McKee, we would like to ask that the General Contractors be held accountable for violations of the statutes as prescribed in the UDO or OSHA safety standards. We propose that these issues be considered as an actionable item for the Town Board and ask for your assistance with enforcing the applicable standards as defined by Town ordinances. It is our desire to resolve these issues in order to provide for a safe and healthy environment for our children and families now and into the future.

	Name	Street Address	Signature
1	L.P. Miller	455 Legacy Lakes Way	L.P. Miller
2	Connie Miller	455 Legacy Lakes Way	Connie Miller
3	Pete Morris	200 Kerr Lake Rd	Pete Morris
4	Fran Morris	200 Kerr Lake Rd	Fran Morris
5	Reza Abbas	312 Kerr Lake Rd.	Reza Abbas
6	Sheila Abbas	312 Kerr Lake Rd	Sheila Abbas
7	Wally Parker	1105 Norman Cir	Wally Parker
8	Bruce D. Parker	1105 Norman Circle	Bruce D. Parker

Aug 22, 2016

Subject: Legacy Lake Resident Petition #1 against McKee Proposal for a Sales Trailer

	Name	Street Address	Signature
9	KYLE PACKARD	115 NORMAN CIR	
10	Debra Hayden	135 Norman Circle	
11	Larry W. Guy	163 Kerr Lake Rd	
12	Martin Pate, Jr	135 Kerr Lake Rd	
13	Spencer Pate	135 Kerr Lake Rd	
14	Debra Brady	140 Kerr Lake Rd	Debra Brady
15	Larry C. Brady	140 Kerr Lake Rd	Larry C. Brady
16	Fumiko Wronko	180 Kerr Lake Rd.	Fumiko Wronko
17	ROBERT MYERS	129 WARREN LAKE	
18	FERRY TURBEVILLE	141 WARREN LAKE	
19	JUSTIN DUVALL	145 WARREN LAKE RD.	
20	David Synan	765 Legacy Lakes Way	
21	Elizabeth Myers	129 Warren Lake Rd	
22	Angelina Turbeville	141 WARREN LAKE RD	
23	Robert Fairfax	123 Warren Lake Rd	
24	Heather Fairfax	123 Warren Lake Rd	Heather Fairfax ^{RF}
25	Carlos Trevino	759 Legacy Lakes Way	
26	Cecilia Trevino	759 Legacy Lakes Way	Cecilia Trevino
27	Rhodes Moore	753 Legacy Lakes Way	
28	Melissa Moore	753 Legacy Lakes Way	
29	Carmen Villanueva	174 Moultrie Ln	
30	Jennifer Duhall	145 Warren Lake	
31	Torrie Kalm	715 Legacy Lakes Way	
32	Guy Kalm	715 LEGACY LAKES WAY	
33	CANCE THOMPSON	110 MICHIE LAKES	

Aug 22, 2016

Subject: Legacy Lake Resident Petition #1 against McKee Proposal for a Sales Trailer

	Name	Street Address	Signature
34	Natalie Thompson	110 Michie Pl	N Thompson
35	Colin Worham	491 Kerr Lake Rd.	Colin Worham
36	Colin Worham	491 Kerr Lake Rd.	Hunter W Worham
37	Colin Worham	140 Michie Pl	Jeff Englebert
38	Wendy Brown	140 Michie Pl.	Wendy Brown
39	Wendy Brown	150 Michie Pl	Wendy Brown
40	Jeff Englebert	130 Michie Place	Jeff Englebert
41	Lee Moody	100 Michie Place	Lee Moody
42	Melanie Moody	100 Michie Place	Melanie Moody
43	Kevin Sloan	680 Legacy Lakes Way	Kevin Sloan
44	Brenda Carlisle	680 Legacy Lakes Way	Brenda Carlisle
45	Ed Deagle	660 Legacy Lakes Way	Ed Deagle
46	René L Parks	325 Legacy Lakes Way	René L Parks
47	SCOTT ROWEN	318 WARREN LAKE RD	Scott Rowen
48	Keelan Rowen	318 Warren Lake Rd	Keelan Rowen
49	Dave Herpy	640 Legacy Lakes Way	Dave Herpy 14 Aug 16 Email Signature Approval
50	Mary Herpy	640 Legacy Lakes Way	Mary Herpy 14 Aug 16 Email Signature Approval
51	Lea Sanders	705 Legacy Lakes Way	Lea Sanders
52	CARLOS VACA	135 MICHIE PL	Carlos Vaca
53	NADJA A VACA	135 MICHIE PL	Nadja Vaca
54	Will Durbin	155 Michie PL	Will Durbin
55	Katie Durbin	155 Michie PL	Katie Durbin
56	Salena Short	160 Kerr Lake Rd	Salena Short
57	JEFF SHORT	160 Kerr Lake Rd	Jeff Short
58	Aaron Sanders	705 Legacy Lakes Way	Aaron Sanders

August 6th, 2016

Legacy Lakes Way (LStar Development)

Located across from Lot #84

- Trash was dumped across from Lot #84 on or about 5-6 August.
- An email was sent to the LStar Project Manager (Brooke Davenport) and McKee Sales and Marketing Director (Jason Janssen) but besides a reply e-mail thanking us for the information, nothing was done.
- We cleaned up the trash on Aug 13th after filing report with the Aberdeen Police Department (Aberdeen Police report CCA 160815485).



August 7th, 2016

Kerr Lake Road (LStar Development Legacy Lakes)

McKee Lot #226 & #228

- The attached photos weretaken of McKee Lot # 226 & 228 which shows water and debris runoff into the storm drain system.
- There is no gravel at the entrance to the job site which causes mud to be tracked onto the road when the trucks leave the job site. These are typical issues with most of the McKee job sites.
- McKee Lot #226 and the one next to it (Lot #228) are missing the black silt/filter fencing on the sides and front and the construction sites are full of trash and debris. The trash is blown out onto the site and adjacent yards of the residents during storm.



August 7th, 2016

Kerr Lake Road (LStar Development Legacy Lakes)

McKee Lot #226 & #228

- The attached photo was taken of Lot # 226 which shows water and debris runoff into the storm drain system. The section of filter fencing appears to have been removed to allow the runoff and prevent pooling at the construction site. The water runs into the yard of a Wounded Warrior/Disabled Veteran.
- McKee Lot #226 and the one next to it (Lot #228) are missing the black silt/filter fencing on the sides and front and the construction sites are full of trash and debris.



August 7-21, 2016

Silt Fencing Issues in Legacy Lakes

McKee Lot #226

- The attached photo was taken of Lot # 226 on 7 Aug and again on 17 Aug which shows water and debris runoff into the storm drain system. The section of filter fencing appears to have been removed to allow the runoff of standing water into the Storm System (discoloration of the storm water grate).
- LStar and McKee were both informed of the issues with the silt fencing with no efforts to fix the problem.
- We checked again on August 21st and there were no improvements.



**7 Aug 16
Lot #226**



**17 Aug 16
Lot #226**

August 8th, 2016

Legacy Lakes Way (LStar Development)

McKee Lot # 187

- Silt/Filter fence not maintained and dirt/debris runoff into storm drain system (as seen in the street gutter).
- Portalet positioned in the street which impedes traffic.
- Legacy Lakes residents have voiced numerous complaints at the last 4 HoA meetings to the McKee Director of Sales and Marketing (Jason Janssen), John Kamin (sp), and Kevin Kowalski (sp) with little improvement.



August 8th, 2016

Warren Lane (LStar Development in Legacy Lakes)

McKee Lot # 195

- Silt/Filter fence not erected with dirt/debris runoff into storm drain system (as seen in the street gutter).
- Portalet positioned in the street which impedes traffic.
- Legacy Lakes residents have voiced numerous complaints at the last 4 HoA meetings to the McKee Director of Sales and Marketing (Jason Janssen), John Kamin (sp), and Kevin Kowalski (sp) with little improvement.



August 16th, 2016

Kerr Lake Road Bridge Maintenance

- Cement trucks and 18-wheeled semi trucks use the bridge on Kerr Lake Road for access when delivering construction material. A sign restricting access at the intersection of Legacy Lakes Way/Kerr Lake Road was removed last year.
- The weight bearing for the bridge is restricted to 40 tons; cement trucks loaded with 10 cubic yds of cement weigh approx. 33 tons and we have been informed by LStar that the trucks are not to use the bridge (no enforcement).
- The bridge was repaired and lifted sometime late 2015 or early 2016 only to have the damage reoccur because of the lack of enforcement with the large construction vehicles.
- The bridge has cracks in the cement; stabilization pillars are separating from the main structure; the lights on the lake side of the bridge haven't worked correctly since last year and sometimes stay lit for 24/7; reflecting warning signs on both sides have either been removed or fallen off and not repaired (safety issue).



**Bridge
Foundation Separation
Hasty Repairs from last Winter
Aug 21, 2016**



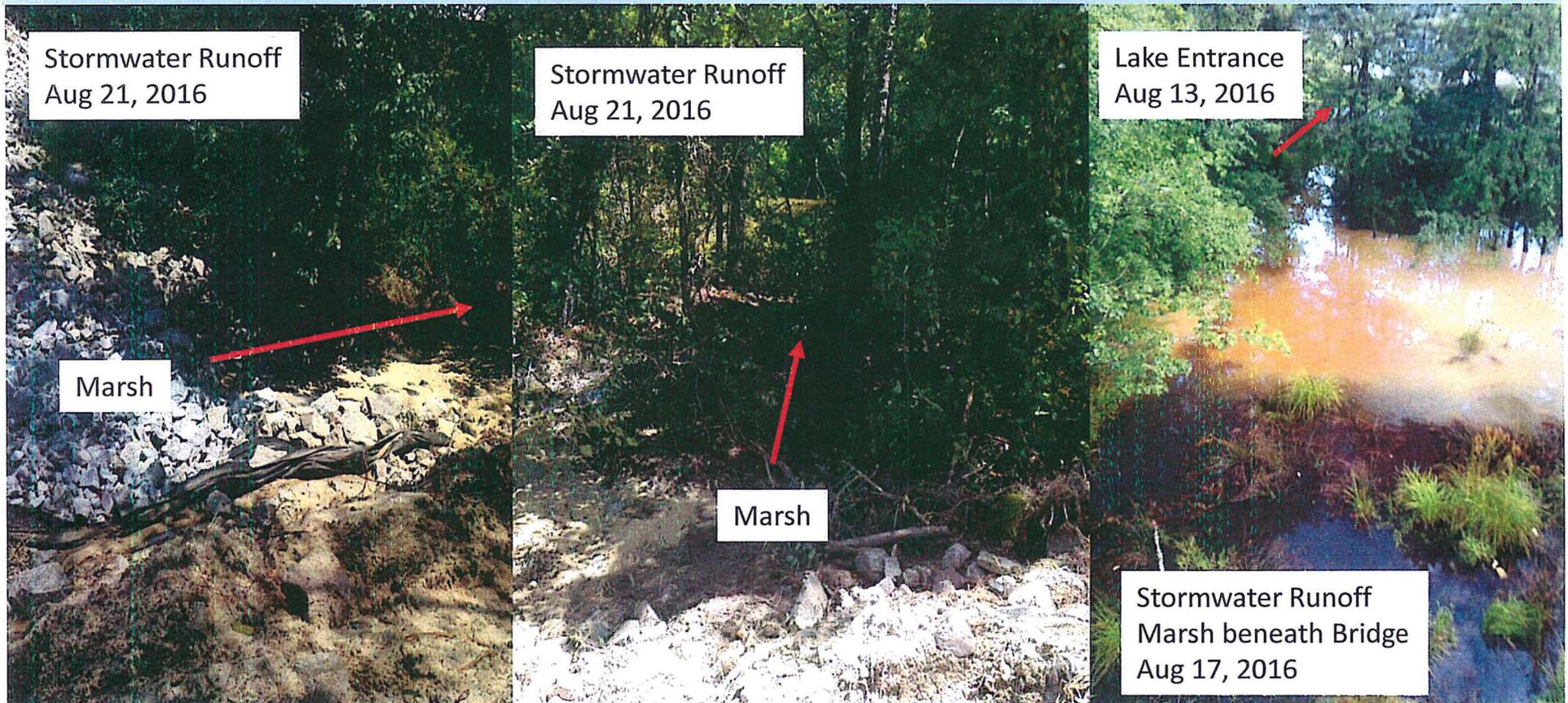
**Bridge
Surface Cracks
Aug 21, 2016**

Legacy Lakes

- Attached are photos taken of the lake and marsh underneath the bridge
- There is a noticeable change to the lake composition (plant growth) and quality of water in the lake to reinforce the need for a bioretention plan.

Statute 152-263 Stormwater Management

- Development site plan must provide plans for stormwater management and address hydrology, and erosion sediment control (space req'd for filter/buffer strip minimum length is 15-20 ft); **bioretention**- the process in which contaminants and sedimentation are removed from stormwater runoff and collected into a treatment consisting of a grass buffer strip, sand bed, ponding area, organic layer or mulch layer, planting soil, and plants- shouldn't be flowing directly into the lakes).



Legacy Lakes (Sedimentation Issue and Requirement for a Bioretention Plan)

- Attached are photos taken of the lake and marsh beneath the bridge in 2015 and 2016.
- There is a noticeable change to the lake composition and quality of water in the lake and reinforces the need for a bioretention plan by the Developer.
- Work was started on what appears to be a retention pond on/about August 17th but it runs into the marsh and then into the lake.

Statute 152-263 Stormwater Management

- Development site must provide plans for stormwater management and address hydrology, and erosion sediment control (space req'd for filter/buffer strip minimum length is 15-20 ft; **bioretention**- the process in which contaminants and sedimentation are removed from stormwater runoff and collected into a treatment area which consists of a grass buffer strip, sand bed, ponding area, organic layer or mulch layer, planting soil, and plants- shouldn't be flowing directly into the lakes).



Pam Graham

From: Brooke White <Brooke@lstarland.com>
Sent: Wednesday, September 28, 2016 12:44 PM
To: Brooke White; Vickie Hudson; Joe Cebina; Julie Criscoe
Subject: Legacy Lakes Reminders
Attachments: image001.jpg

Legacy Lakes Builders,

As a follow-up to last week's email, I need your help as there are several violations on the construction sites at Legacy Lakes. Last night's heavy rains have caused some silt fencing to fail, but some of the home sites still lack any erosion control measures and the Town has been notified and will be imposing fines. Please remedy ASAP.

Temporary toilets are still being placed on the street and need to be on the home site with the door facing away from the street and neighboring homes. If stone construction entrances are not being used, the builder must sweep and clean all mud that carries over into the streets. With the rain, this is an issue and needs attention.

As a builder at legacy lakes, you agreed to comply with the following requirements on all job sites:

1. Contractors are required to keep job sites clean of all trash.
2. All lots must have dumpsters or wooden trash boxes to collect trash, and they must be placed in a driveway or parking courtyard area. Stockpiling outside of the dumpster/box or dumping on adjacent lots or on streets will not be allowed.
3. Weekly pulls are required.
4. Dumpsters/boxes must be removed should any period of thirty (30) days pass with no construction activities at a home site. Trash not removed will be removed and billed to the responsible owner or contractor.
5. Any temporary toilet facilities must be placed a minimum of 20' from the street right-of-way, on the lot being improved.
6. All home sites under construction must use silt fence around the lot perimeter to keep sediment from coming off the lot.
7. Work hours are from 7:00 a.m. to sunset Monday - Friday. Generally work is not be permitted on Sunday. Please reach out to me if you need to obtain Board approval to work on Sunday.
8. Construction equipment may be left on the site while needed but must not be kept on the street. Parking should be off streets whenever possible.
9. Loud radios or noise or profane language will not be allowed within the project.

Thank you for your prompt attention to these items. I will be on site tomorrow to see what corrective measures have been taken.



Brooke White | Project Manager

brooke@lstarland.com | 516 N. West Street | Raleigh, NC 27603

919.256.1981 ext 313 Office | 919.805-1107 Mobile | 919.256.1982 Fax



June 22, 2016

Mr. William Monroe
Town of Aberdeen
115 N. Poplar Street
Aberdeen, NC 28315

Re: Regulatory and Warning Sign Notice -
Bridge Number 620258 on Kerr Lake Road

Dear Mr. Monroe,

The Federal Highway Administration, through their National Bridge Inspection Standard, requires that certain highway structures be inspected for condition every two years. As part of this inspection requirement, the above structure was inspected on April 21, 2016.

During the analysis of this structure, it was determined that the warning signs listed on the attached report form need to be removed at this bridge. Our calculations indicate that posting is not required at this structure.

Please contact Mr. Gichuru Muchane of the Department of Transportation Structures Management Unit when the signs have been removed. He will need a signed copy of the notice indicating what was done. His contact information is:

Gichuru Muchane, P.E.
NCDOT Structures Management Unit
1581 Mail Service Center
Raleigh, NC 27699-1581
Phone 919-707-6424
Email: gmuchane@ncdot.gov



Our staff is available to meet with you to review the findings and explain the reasons for this notification. Our contact information is:

ICA Engineering
5121 Kingdom Way
Suite 100
Raleigh, NC 27607
919.900.1621
karen.mobley@hdrinc.com

Sincerely,

A handwritten signature in black ink that reads "K. Mobley". The signature is written in a cursive style with a loop at the end of the "y".

Karen Mobley, PE

REGULATORY AND WARNING SIGN NOTICE

STRUCTURES MANAGEMENT UNIT

Div. Engineer: William Monroe
From: Karen Mobley (ICA Engineering)
Title: Project Manager

County: Moore
Bridge: 620258
Route: Kerr Lake Road
Date: 6/22/2016

NUMBER AND TYPE OF SIGNS NEEDED:

(NOTE: Field Inspectors only need to fill in number of signs needed to be erected/removed.)

Number to Erect	Number to Remove	Type of Sign	Remarks
_____	2	Weight Limit (R12- _____) posted information: 40 Tons	remove posting signs at both approaches
_____	_____	Delineator (W23-10)	_____
_____	_____	Narrow Bridge (W5-2) clear roadway width: _____ approach roadway width: _____	_____
_____	_____	One Lane Bridge (W5-3) clear roadway width: _____	_____
_____	_____	Low Clearance (W12-2) vertical clearance(s): _____	_____
_____	_____	Bridge Closed (R11-2a)	_____
_____	_____	Weight Limit Persons	_____

REMARKS:		
GRP/ INITIALS:	Entered:	_____
DATE:	Cleared:	_____

ERECTED/REMOVED BY:	
DATE	_____
Return a copy of this to the Assistant Structures Management Eng at the Structures Management Office, Raleigh when complete	

cc: Div. Traffic Eng.
File Copy

Pam Graham

From: Brooke White <Brooke@lstarland.com>
Sent: Wednesday, October 05, 2016 5:47 PM
To: Pam Graham
Cc: Shane Sanders
Subject: Rain Event of 9.28.16
Attachments: IMG_2126.JPG; IMG_2140.JPG; IMG_2133.JPG; IMG_2134.JPG; IMG_2161.JPG; IMG_2164.JPG; IMG_2167.JPG; IMG_2121.JPG; Pages from Phase-1_CDs2.pdf; Legacy Lakes Exterior Color Tree Removal and Builder Rules.pdf; Legacy Lakes Design Guidelines - 1-2-2014 reduced.pdf

Pam,

Here is the info regarding the effectiveness of the new stormwater design for the system at the bridge and open space on Legacy Lakes Way. Shane is working on some additional engineer reports regarding some drainage issues on Moultrie Lane and Warren Lake Road. One of the issues is builder related, but we want an independent report with recommendations on file. Once these reports are finalized, we will be happy to share these with the Town for their use.

I have also attached a copy of the Architectural Guidelines for the Community and a summary that notes the key issues with exterior colors, tree removal and builder rules.

Bob Koontz is currently working with one home on Leesville Loop in regards to modifying the exterior colors/paint. They are also working with a homeowner on Michie Place to make some minor modifications to help minimize the overuse of shades of blue on this street. An official color palette is not approved for the community. The exterior paint colors that one builder uses are various shades of colors – they are different, but only slightly. Bob and his team are working to address these variances in color choices more closely.

Let me know what else you need. Please have the Board contact me with additional questions or concerns.



Brooke White | Project Manager

brooke@lstarland.com | 516 N. West Street | Raleigh, NC 27603
919.256.1981 ext 313 Office | 919.805-1107 Mobile | 919.256.1982 Fax

From: Shane Sanders [mailto:shane@snsengineers.com]
Sent: Monday, October 3, 2016 1:41 PM
To: Brooke White <Brooke@lstarland.com>
Subject: RE: Golf cart crossing sign

Brooke,

I went to the site again on Friday the 30th and took some more pictures and a video. This area is the natural drainage way (approximately 20 acre drainage area) from the original topography of the site prior to development (see sheet C4.8 from phase 1 plans). The storm event on September 28th that caused this runoff as well as runoff and flooding throughout the county was a long term event with a substantial amount of rainfall.

The level spreader and dissipator that were installed did have discharge that naturally went towards the golf course (IMG_2121 & 2126), but from the best that I could tell it stopped short of the cart path (IMG_2140). There was more runoff in an area to the left (IMG_2140) of this that went across the path and into the course (IMG_2133 & IMG_2134). I tracked this back to the corner of the new house on lot 63 adjacent to the open space (IMG_2164, 2167 & 2161). IMG_2167 shows there was some runoff that came through the grass from another direction in the backyard.

I sent you a link to my drop box for Legacy so you can have access to the video and full size photos for your records.

Let me know if you have any questions.

Shane

--

M. Shane Sanders, PE, PLS

275 S. Bennett Street, Ste. A

Southern Pines, NC 28387

Cell: (910) 690-2366

Phone: (910) 246-0038

www.snsengineers.com



From: Brooke White [mailto:Brooke@lstarland.com]

Sent: Friday, September 30, 2016 11:24 AM

To: mnorton@legacygolfgmt.com; Shane Sanders

Cc: Chad Derusseau

Subject: RE: Golf cart crossing sign

Thanks, Mike.

I was on site yesterday with our engineer and took lots of pictures.

More to come.

From: mnorton@legacygolfgmt.com [mailto:mnorton@legacygolfgmt.com]

Sent: Friday, September 30, 2016 10:49 AM

To: Brooke White <Brooke@lstarland.com>

Cc: Chad Derusseau <cderusseau@legacygolfgmt.com>

Subject: RE: Golf cart crossing sign

I will let you know when we finish. I appologize for the delay.

I have a question/concern about new drainage area located beside our 2nd hole. It appears a large drainage pipe is discharging in a small drainage ditch in that area. The problem we are having is when a heavy rain comes it flows over the drainage area and runs down to the #2 green. This extra water, debris and possible contaminants could cause damage to the course. Could you take a look at this and maybe I could meet you over there sometime to discuss?

Thank you

-----Original Message-----

From: "Brooke White" <Brooke@lstarland.com>

Sent: Friday, September 30, 2016 10:27am

To: "Chad Derusseau" <cderusseau@legacygolfgmt.com>, "Mike Norton"

<mnorton@legacygolfgmt.com>

Cc: "Julie Criscoe" <julie@casnc.com>, "Vickie Hudson" <vickie@casnc.com>
Subject: RE: Golf cart crossing sign

Yes - please keep me posted so I can communicate an exact install date to the community and our marketing team. We are trying to coordinate an event in the next 30 days and will be working on installing updated signage for all available home sites, etc.



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:** 10/6/16

Agenda Item Title: Quarterly Transportation Update

Work Session - Board Action (date of meeting should be filled in on line) :

Information Only 10/10/16

Public Hearing _____

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:

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



MEMORANDUM TO THE BOARD OF COMMISSIONERS – October 10, 2016 Work Session

Item:
Quarterly
Transportation
Update

Prepared by:
Pamela Graham,
Planning Director

Staff would like to make the Board aware of the following transportation activities during the third quarter of 2016 that impact Aberdeen.

1. Moore County Transportation Committee (MCTC)

The MCTC has met three times since the June update.

- a. June 29 - The Recommended Concepts for the Carthage Byway and the Western Connector were approved; comments regarding these projects included that they were a necessary step towards a Comprehensive Transportation Plan (CTP) and that it will be important to begin protection of the proposed rights-of-way moving forward.
 - i. Matt Day (TARPO) advised that the projects can be submitted for funding in two years and it will be at least another five years before construction will begin.
 - ii. It was determined that the group will need to meet more frequently in order to have draft recommendations for the CTP by early 2017.
 - iii. Next steps:
 - a) Present a draft CTP to each municipality and the county for review and comments,
 - b) Public involvement,
 - c) Consider revisions to the draft based on governmental and public comments,
 - d) Adoptions/Endorsements from each municipality, Moore County, TARPO, and NC Board of Transportation.
- b. July 27 – Scott Walston gave a recap of the CTP status (no new information) and system deficiencies within the project areas were discussed, with maps provided. Aberdeen area deficiencies include:
 - i. Without a Western Connector 15-501 North, NC 5, and much of US 1 are currently over capacity.
 - ii. With a Western Connector US 1 and portions of NC 5 will be over capacity based on 2040 traffic projections.
 - iii. A community survey for the public was discussed to garner input from the public to guide the CTP draft. Staff supported the survey.

- c. August 31 – The deficiency maps reviewed at the July meeting were approved and a draft of the community survey was discussed. The next meeting is scheduled for October 26th.

2. US 1 Superstreet/15-501 Access Management Projects

A meeting was held on the afternoon of 10/6 to discuss public outreach efforts for the business communities along these corridors. A meeting with business stakeholders is expected prior to a public workshop in early 2017. The anticipated schedule remains as follows:

- a. Right-of-Way Acquisition - 11/2018
- b. Construction - 11/2019