

**Town of Southern Pines
Monday November 28, 2016, 3:00 PM
C. Michael Haney Community Room, Southern Pines Police Department
450 West Pennsylvania Avenue**

Worksession Agenda

- 1. Freight Depot Lease Agreement Discussion – Tori King**
- 2. Midland Road Corridor Study: Review of the Final Report - Staff**
- 3. CU-05-16; Written Decision of the Board and Conditional Use Permit for Major Amendment to CU-04-88, Longleaf Golf & Family Club - Staff**
- 4. CU-06-16; Written Decision of the Board and Conditional Use Permit for Major Amendment to CU-01-11, Tyler's Ridge - Staff**

BILL OF SALE

THIS BILL OF SALE, made as of this 26th day of February, 2004, by and between CSX TRANSPORTATION, INC., a Virginia corporation, whose mailing address is 500 Water Street, Jacksonville, Florida 32202, hereinafter called "Vendor," and the TOWN OF SOUTHERN PINES, whose mailing address is 125 SE Broad Street, Southern Pines, North Carolina, 28387, hereinafter called "Vendee"; WITNESSETH:

THAT Vendor, for and in consideration of the sum of ONE U. S. DOLLARS (\$1.00), paid to Vendor by Vendee, plus applicable sales -tax thereon, the receipt whereof is hereby acknowledged, does hereby BARGAIN, SELL, TRANSFER and DELIVER unto Vendee all of Vendor's right, title and interest in and to the passenger station building, freight station building, platforms, shed and light poles, hereinafter "the Improvements," said Improvements existing in Southern Pines, County of Moore, State of North Carolina and being more particularly shown on Exhibit A, attached hereto and incorporated herein.

RESERVING unto Vendor the right to use that amount of space in the freight station building necessary for maintaining its current operations within the freight station building at no cost to Vendor. Such use shall be perpetual unless Vendor chooses to vacate the freight station building or discontinues its freight rail operations on the adjacent railroad corridor. Vendee shall have full responsibility for maintaining the freight station building and is required to maintain the interior of that portion of the freight station used by Vendor only upon notice by Vendor and upon provision by Vendor of entry into that portion. Vendee shall maintain the freight station to at least the standards to which Vendor has maintained the freight station.

TO HAVE AND TO HOLD the Improvements unto Vendee, Vendee's successors and assigns, forever.

Upon delivery of this Bill of Sale, and acceptance thereof: said Improvements shall be considered severed from the underlying real estate and it shall thereafter be personal property. This instrument conveys no rights, title or interest in any real estate of Vendor.

Said Improvements, related facilities and appurtenances are sold "as is, where is," in place, in exactly the condition in which the same exist on the date of this instrument, and without warranty as to the merchantability or fitness thereof for any purpose, and without any other warranty by Vendor, expressed or implied, except that Vendor warrants: that Vendor is the lawful owner of said goods and chattels; that the goods and chattels are free from all liens and encumbrances; and that Vendor has good right to sell its interest in the same as aforesaid.

IN WITNESS WHEREOF, Vendor has hereunto affixed its corporate name by the officer duly appointed and authorized to do so, the day and year first above written.

Signed, sealed and delivered
in the presence of:

CSX TRANSPORTATION, INC.:

Lori D. Overbay
Lori D. Overbay

[Signature]
Print Name: Donna W. Melton
Title: President. CS Real Property,

Inc.

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[Redacted]

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Attest J/11.d.A 7, J. /Vlut-11"-' (SEAL)

Secretary

Print Name: Donna W. Melton



Hobbs, Upchurch & Associates, P.A.

Consulting Engineers

300 S.W. Broad Street • Post Office Box 1737 • Southern Pines, NC 28388

**LEGAL DESCRIPTION FOR
CONVEYANCE OF CSX DEPOT PROPERTY
TO TOWN OF SOUTHERN PINES
December 5, 2003**

Lying and being in the Town of Southern Pines, McNeill Township, Moore County, North Carolina along northwest Broad Street, Vermont Avenue, Connecticut Avenue, New Hampshire Avenue and Pennsylvania Avenue.

PARCEL A

Bounded on the north by Vermont Avenue, on the east by the CSX railroad track, on the south by Connecticut Avenue, on the west by Northwest Broad Street, and being more particularly described as follows:

BEGINNING at a corner in the south right-of-way of Vermont Avenue where it crossed the CSX railroad right-of-way, said point being located **N 36°33'41" W** 104.74 feet from an existing iron pipe at the intersection of the south right-of-way (80' RMI) of Vermont Avenue and the east right-of-way (200' RM/) of Broad Street (also being the east right-of-way of CSX Railroad) and runs thence as the edge of a concrete platform **S 53°29'39" W** 401.92 feet to a corner in the north right-of-way of Connecticut Avenue (80' RM/), located **N 36°33'07" W** 107.01 feet from an existing iron pipe at the intersection of the north right-of-way of Connecticut Avenue and the east right-of-way of Broad Street; thence as said right-of-way of Connecticut Avenue **N 36°33'07" W** 54.87 feet to a corner in said north right-of-way of Connecticut Avenue; thence **N 53°26'19" E** 401.91 feet to a corner in the south right-of-way of Vermont Avenue; thence as said south right-of-way of Vermont Avenue **S 36°33'41" E** 55.26 feet to the **BEGINNING**, containing 0.51 acres and being a portion of the lands of CSX Railroad.

PARCEL B

Bounded on the north by Connecticut Avenue, on the east by the CSX railroad track, on the south by New Hampshire Avenue, on the west by Northwest Broad Street and being more particularly described as follows:

BEGINNING at a corner in the south right-of-way of Connecticut Avenue (80' RMI), said point being located **S 49°47'48" W** 78.72 feet from the southwest

corner of the above described Parcel A and runs thence S 36°28'43" E 50.22 feet to a corner in said south right-of-way of Connecticut Avenue, located N 36°28'43" W 501.77 feet from an existing iron pipe at the intersection of the south right-of-way of Connecticut Avenue and the west right-of-way of Ashe Street (80' R/W): thence continuing along the edge of a concrete platform S 53°26'26" W 401.27 feet to a corner in the north right-of-way of New Hampshire Avenue (80' R/W), said point being located N 13°02'29" E 3.48 feet from NCGS Monument "Foch-A" which has NC Grid coordinates N=518,746.9579', E=1,883,281.5221, also being located N 36°29'00" E 501.34 feet from an existing iron pipe in the north right-of-way of New Hampshire Avenue and the west right-of-way of Ashe Street; thence continuing as the north right-of-way of New Hampshire Avenue N 36°29'00" W 50.21 feet to a corner in the north right-of-way of New Hampshire Avenue; thence N 53°26'19" E 401.27 feet to the **BEGINNING**, containing 0.46 acres and being a portion of the lands of CSX Railroad.

PARCEL C

Bounded on the north by New Hampshire Avenue, on the east by the CSX railroad track, on the south by Pennsylvania Avenue, on the west by Northwest Broad Street, and being more particularly described as follows:

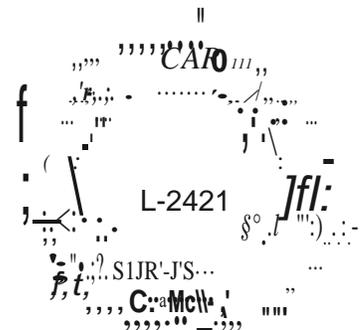
BEGINNING at a corner in the south right-of-way of New Hampshire Avenue (80' RM/) said corner being located S 42°48'23" W 81.30 feet from the southwest corner of the above described Parcel Band runs thence as the south right-of-way of New Hampshire Avenue S 36°29'00" E 35.44 feet to a corner in said right-of-way located N 36°29'00" W 501.41 feet from an existing iron pipe at the intersection of the south right-of-way of New Hampshire Avenue and the west right-of-way of Ashe Street; thence continuing along the edge of a concrete platform S 53°34'51" W 401.35 feet to a corner in the north right-of-way of Pennsylvania Avenue (80' R/W); thence as said north right-of-way of Pennsylvania Avenue N 36°29'00" W 34.44 feet to a corner in said north right-of-way of Pennsylvania Avenue located S 36°29'00" E 461.28 feet from an existing iron pipe at the intersection of the north right-of-way of Pennsylvania Avenue and the east right-of-way of Bennett Street (80' RM/); thence continuing N 53°26'19" E 401.35 feet to the **BEGINNING**, containing 0.32 acres and being a portion of the lands of CSX Railroad.

All bearings herein are to NC Grid North Meridian NAD83

William C. Mcilwain, Jr. PLS L-2421
 Hobbs, Upchurch & Assoc., P.A.
 300 SW Broad Street
 Southern Pines, NC 28387
 (910) 692-5616

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(V.



Request For Proposal

305 Trackside

1. Proposed business name: 305 Trackside, LLC.

Business owners: Mary Kate Lambeth and Tori King.

Physical current address of the business is 2177 Derby Road, Ellerbe, NC 28338. Physical address will be changed once the business is in operation to a P.O. Box.

2. The building will primarily be used for weddings and receptions, but can also be used for corporate events, fundraisers, galas, parties, meetings, conferences, political events, etc. The total occupancy load will roughly be 250 people.

This building and business will benefit the entire town. During our wedding events, downtown hair salons will get business, the Jefferson Inn will have guests, people will eat at restaurants, have coffee in town, go to bars afterwards, and shop at local stores. Not only does the town benefit through increased business and traffic flow, but we plan to allow the town use of the building; to possibly include town council meetings, other town meeting space, and annual town events.

It is important to us for this building to be used and seen. We hope to open it during First Friday and allow food and drink inside the building. We would also like to partner with the brewery or a local caterer to serve beer and wine for special events. If there aren't weddings during Spring and Fall fest, we plan to open the building to the public. There will be bathrooms, permanent and extra seating, indoor and outdoor space, plus the possibility of vendors renting space. We are open to discussion on how this building can not only benefit as an event venue, but benefit the entire town, be enjoyed by the people of the town and used by those who are visiting.

3. The main operating hours would be Friday and Saturday evenings for weddings. We also want to offer the availability for meetings and other small events during the typical 9-5 business day. Some other large events may occasionally occur on a weeknight.

We also plan on maintaining office hours in a space located at 271 West Pennsylvania Avenue.

4. We have obtained the following parking agreements: (please see attached)

- Central Security Systems, Inc. & Sandhills Home Theater (20 spaces)

Other parking solutions:

- We plan to include a color coded map (please see attached) that will be handed out to all clients when booking events showing preferred parking, vendor parking, public parking, and no parking areas. It will

be mandatory for them to include this map to guests of weddings and other events with a larger guest count.

- We have been told by CSX officials that the grassy area across Vermont Avenue, on NE Broad Street can be used for public parking, however obtaining a parking agreement is out of the question. We would have to apply for a lease through CSX, which we have been told would be denied because it would not fall within the 25' requirement from the center of the tracks.
 - The surrounding businesses have also been notified of our business plans. FirstBank and several other businesses have given us verbal confirmations of the use of their parking spaces during events after-hours. A written agreement can be pursued if our proposal is accepted.
 - Per Chris Kennedy, a proposed on-street parking site has also been discussed. (see attached photos)
5. Please see attached pictures for a proposed floor plan. Most of the renovation will be to the inside of the building. We want to maintain most of the structural integrity of the existing building. Here is a list-style example of what our plans are:

EXTERIOR

- Rails around the decking to bring the building up to code. Rails will be architecturally compatible with the building and surround vernacular of the downtown area.
- Bring the building up to ADA code with handicap accessible ramp in the rear of the building, add appropriate number of ADA parking spaces to gravel area in the rear of building.
- Secure Fascia boards that are falling down around the overhang area.
- Smoker's balconies to the NW broad side of the building (just for appearance only)

INTERIOR

- Install sprinkler system throughout
- Update electrical and bring it up to code
- Build wall to separate our space from CSX space
- Infill cracks in floors from under the floor system to prevent falls, but not change the original flooring
- New lighting inside
- Bring sewer and water to the building
- Ventilation system in lieu of HVAC system (the building cannot be traditionally heated and cooled because of the leaky floors) ***** (This upgrade is tentative as necessary ventilation/heating-cooling will be determined at a later date) *****

6. Proposed signage - we plan to display a sign on the covered porch area (back) of the building. The sign on the building would be approximately 4 ft in diameter. An additional sign will be on our office location at 271 West Pennsylvania Avenue. Please see attached photo of a draft of our logo, which will also serve as a sign. The logo we have chosen is an updated version of the Seaboard Airline logo, which has a historical reference for the building. We have changed enough of it that it is not a copyright issue.

7. Proposed Financial Terms:

\$500/month for a 5 year lease. After that time, the lease could be renegotiated as long as both parties are in agreement.

We have a renovation budget of \$75-\$100k for the building. These updates will stay with the building if/when we decide to no longer occupy the space.

STATE OF NORTH CAROLINA
COUNTY OF MOORE

LEASE OF LAND AND BUILDINGS

THIS LEASE AGREEMENT made this the ____ of December, 2016, by and between the TOWN OF SOUTHERN PINES, an incorporated municipality, a body corporate and politic in Moore County, North Carolina, party of the first part (hereinafter sometimes referred to as Lessor); and 305 TRACKSIDE, LLC, a duly chartered corporation with a current address of 370 N. Page Street, Southern Pines, Moore County, North Carolina, party of the second part (hereinafter sometimes referred to as Lessee);

W I T N E S S E T H;

That the Lessor hereby demises and leases unto the Lessee the premises identified and described as follows:

(SEE PARCEL A of EXHIBIT A, attached hereto, exclusive of those areas currently occupied by CSX for office and storage purposes per the terms outlined in EXHIBIT B, BILL OF SALE from CSX to TOSP, also attached hereto)

The terms, provisions, conditions, covenants, agreements and obligations, hereby agreed to by the parties are as follows:

1. The Lessee agrees to pay rent for the leased premises at the rate of **\$5.00 (five dollars and 00/100) per month**, payable by the tenth of each month, beginning the first month following acceptance of this lease by the Town Council of Southern Pines. Beginning with the first month following a Town Issued Certificate of Occupancy (CO) granted upon completion of the improvements discussed in the Request For Proposal attached hereto (Exhibit C), but no later than September 1st, 2017, continuing through a five year (sixty month) period, the Lessee agrees to pay rent at the rate of **\$500.00 (five hundred dollars and 00/100) per month**, payable by the 10th of each month. Anytime during the final year of this initial term, but prior to its completion, the parties may enter into negotiation on a new lease subject to the rules and limitations set forth by North Carolina General Statute at that time. Lacking a new Lease, Lessee will vacate the facility and remove all personal property by the final date of the final month of the Lease terms.

2. The Lessor shall keep the property insured against fire or other casualty loss and shall pay all premiums for all said insurance, and for any other insurance that might be necessary

to protect the property of Lessor, but not the contents placed thereon by the Lessee. Lessee covenants and agrees that it will carry, during the term of this lease, liability insurance naming the Town as insured, to protect Lessor for liability that may arise during the period of this lease, up to \$1,000,000, and shall pay the premium therefor.

3. The Lessee agrees to pay all water, electricity, gas, telephone and fuel bills incurred in connection with the use of the leased premises throughout the full term of this agreement to include the initial construction period prior to Certificate of Occupancy and subsequent sixty-month period of rents.

4. This lease shall not be assigned, or leased premises sublet, without the written consent of the Lessor, by the Town Manager or designee, first being had and received.

5. The Lessee shall make and keep buildings on the property weather tight, shall allow no deterioration of buildings, and shall keep them painted and in a good state of repair.

6. Lessee agrees to keep the grounds surrounding the buildings maintained in a suitable manner.

7. The Lessee shall keep such personal property as it may have on the premises adequately insured, and agrees to hold harmless the Lessor for any damages that might occur to Lessee's property while on the premises during the term of this lease.

8. It shall be the duty and obligation of Lessee to obtain any necessary approvals or permits for any work on the premises requiring such approvals or permits, and Lessor shall be held harmless by Lessee during the term of the lease.

9. Lessee hereby agrees that all personal property it may have in its possession at any time shall be stored within the enclosure of the buildings covered by this lease, and at no time will any such property be allowed to remain outside said buildings longer than is reasonably necessary to move it in or out of the buildings.

10. Lessee shall make no changes or additions to the exterior of the building or on the exterior grounds of the building, outside of those outlined in Exhibit C, without the express written consent of Lessor, given by the Town Manager or designee. Any exterior changes are subject to approval through the Historic District process and any applicable Architectural Review by the Town. The Lessee shall have the right and privilege at any time during the term of this lease to make, at its own expense, such minor changes, improvements, and alterations to the premises as the Lessee may desire; provided, however, the Lessee shall not make any material or

structural changes to the Premises without the written consent of the Lessor, and such alterations so made shall be sole cost and expense of the Lessee. Upon the termination or expiration of this Lease, all the said improvements shall remain in the Premises and become the sole property of the Lessor, and the Lessee will take any and all action and sign any and all documents reasonably required by the Lessor to effect or confirm the Lessor's ownership of said improvements.

11. The Lessee may, during the term of this lease and any extensions, remove from the premises all trade fixtures which the Lessee may have installed at its own expense in the said Premises, or otherwise acquired, provided that Lessee is not in default under any of the terms and conditions of this Lease and provided further that the same can be removed without injury to the Premises. Lessee shall repair any damages to the Premises caused by the removal of such trade fixtures. No trade fixture shall be removed unless the Lessor has previously given its written consent prior to its installation confirming that such item is a trade fixture. In the event no such written confirmation is obtained from the Lessor by the Lessee prior to installation, then such improvement shall be conclusively deemed an alteration or improvement subject to the terms of paragraph 10 above.

12. The Lessee covenants and agrees that it will take good care of the premises, and upon the termination of this lease will surrender said premises back to Lessor in as good order and condition as it is in at the time of the entering into of this lease agreement, ordinary wear and tear excepted; and that Lessee, its employees, agents or helpers will make no unlawful or offensive use of the premises during the term of this lease.

13. If during the term of this lease the leased premises are so damaged by fire, tornado, or other catastrophe or casualty as to render the same uninhabitable or not usable for the purposes of Lessee, this Lease shall terminate and thereafter be of no further force and effect, and both parties hereto, by the happening of such catastrophe, shall be discharged from this lease agreement and their mutual obligations hereunder. However, Lessor shall have the right to decide whether it is willing to make any repairs as a result of such disaster-damage, or to terminate this lease and require Lessee to vacate the premises within thirty (30) days after notice of said termination is delivered to it in writing by Lessor.

14. If the Lessee should fail or neglect to properly fulfill any of the requirements made upon it under this lease, or shall violate any of the provision of the lease, otherwise, then

the Lessor, without any other notice or demand, may terminate this lease and require the Lessee to vacate the premises hereby demised, or may enter the premises and expel the Lessees therefrom, or the Lessor in lieu of the above or in conjunction therewith may pursue any other lawful right or remedy incident to the relationship created by this lease.

IN WITNESS WHEREOF, the Lessor has caused this lease to be executed in its Municipal Corporate name, by its Mayor, attested by its Town Clerk and has caused its Corporate Seal to be hereon impressed, all by authority of its Town Council duly given; and said Lessee has caused its Corporate Name to be hereto annexed by its President, attested by its Secretary and has caused its Corporate Seal to be hereon impressed, all by authority of its Board of Directors duly given; all on this the day and year first above written.

TOWN OF SOUTHERN PINES

(SEAL)

By: _____
W. David McNeill, Jr., Mayor

ATTEST:

Peggy K. Smith, Town Clerk

305 TRACKSIDE, LLC

By: _____
Tori King, Owner Trackside 305 LLC

ATTEST:

(Insert Name, Title if Applicable)

STATE OF NORTH CAROLINA

COUNTY OF MOORE

I, _____, notary public of the State of North Carolina, certify that Peggy K. Smith personally came before me this day and acknowledged that she is Town Clerk of the Town of Southern Pines, a North Carolina municipality, and that by authority duly given, the foregoing instrument was signed in its name by Mayor W. David McNeill, Jr., sealed with its town seal, and attested by herself as Town Clerk.

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

Notary Public

My commission expires: _____

STATE OF NORTH CAROLINA
COUNTY OF MOORE

I, _____ a Notary Public of the County and State aforesaid, certify that _____, personally came before me this day and acknowledged that he/she is Secretary of THE SANDHILLS/MOORE COALITION FOR HUMAN CARE, INC., a North Carolina non-corporation, and that by authority duly given, the annexed document was signed in its name by its President, sealed with its corporate seal and attested by him/her as its Secretary.

Witness my hand and official stamp or seal, this _____ day of _____, 2013.

Notary Public

My Commission Expires: _____

Work Session Agenda Item

To: Reagan Parsons, Town Manager

From: Chris Kennedy, Assistant Town Manager

Subject: Midland Road Corridor Study: Review of the Final Report

Date: November 28, 2016

Kimley-Horn and Associates, Inc. and NCDOT presented the Final Report of the Midland Road Corridor Study at the November 9, 2016 Regular Business Meeting of the Town Council. The Town Council and citizens present at the meeting queried a number of issues related to the findings and proposed recommendations of the study. The purpose of this agenda item is to further analyze the findings and recommendations of the study. Feedback from this session will be delivered to the consulting engineers, Kimley-Horn and Associates, Inc., and NCDOT.

Staff Comments:

- The Midland Road Corridor Study represents a collaborative effort to determine the safety, mobility, and access issues that contribute to the need for improvements along one of the most iconic and historic roadways in North Carolina.
- The corridor serves many purposes for the communities in the area, including a vibrant residential neighborhood access, a commuter throughway, a primary east-west spine route, and access to local businesses.
- The North Carolina Department of Transportation (NCDOT), in partnership with Moore County, the Village of Pinehurst, and the Town of Southern Pines, conducted this study in an effort to create a guiding document for future development and roadway improvements along Midland Road.
- The attached document ties together all the efforts from this study into one unified plan—the Midland Road Corridor Study.
- Midland Road is a significant local corridor. The need for a coordinated, long-term approach to the corridor is heightened by recent development along the corridor and increased safety issues.
- The Midland Road Corridor Study has created the framework for visioning the future of Midland Road, and this report catalogs these visioning efforts, outlines the issues, and presents recommendations to achieve a long-term vision for this historic corridor.
- The study area for this project extends along a 4.5-mile stretch of Midland Road (NC 2) from the US 15/501 traffic circle in Pinehurst to Clark Street in Southern Pines.
- The project team worked in partnership with a Project Steering Committee (made up of representatives from NCDOT, the Village of Pinehurst, the Town of Southern Pines, and Moore County) to develop specific transportation recommendations along the corridor. Detailed analysis of traffic and crash conditions focused on Midland Road and key cross streets along the corridor, such as Airport Road, Knoll Road, Pee Dee Road/Pennsylvania Avenue, Central Drive (NC 22) and the US 1 interchange.

- This presentation is for Town Council information purposes only at this point. The Town Council will have the opportunity to provide any comments, concerns, and suggestions to the consultants and NCDOT. The Town Council will ultimately approve and accept the findings and recommendations of the Midland Road Corridor Study via a resolution at a later meeting of the Town of Southern Pines Town Council.

Attachments:

- Staff Selected Excerpts from the Midland Road Corridor Study: Final Report

The Town Council may wish to take one of the following actions:

1. No action required, information use only.

Figure 3.1
 (page 6 in Midland Road Corridor Study: Final Report)

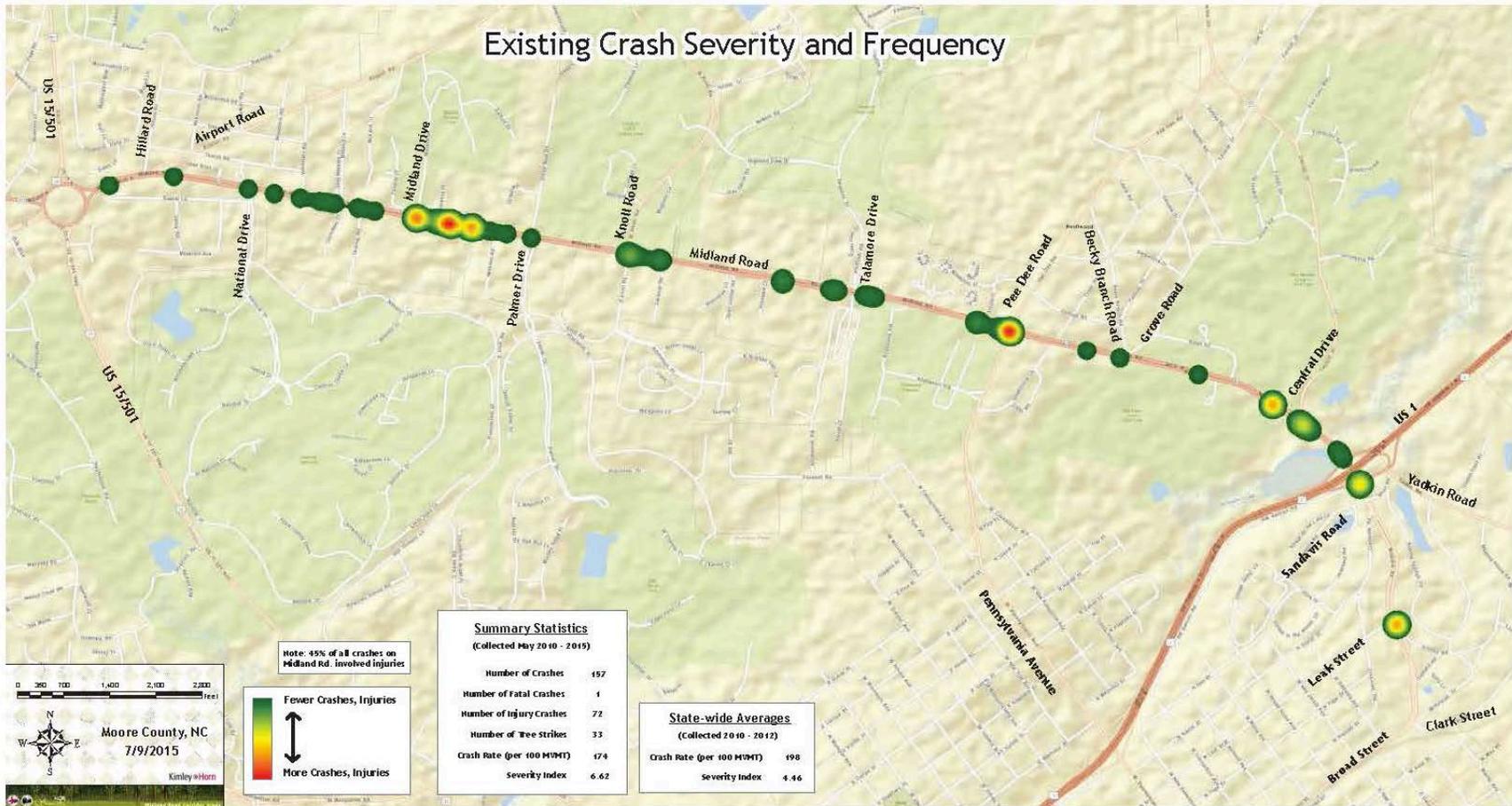
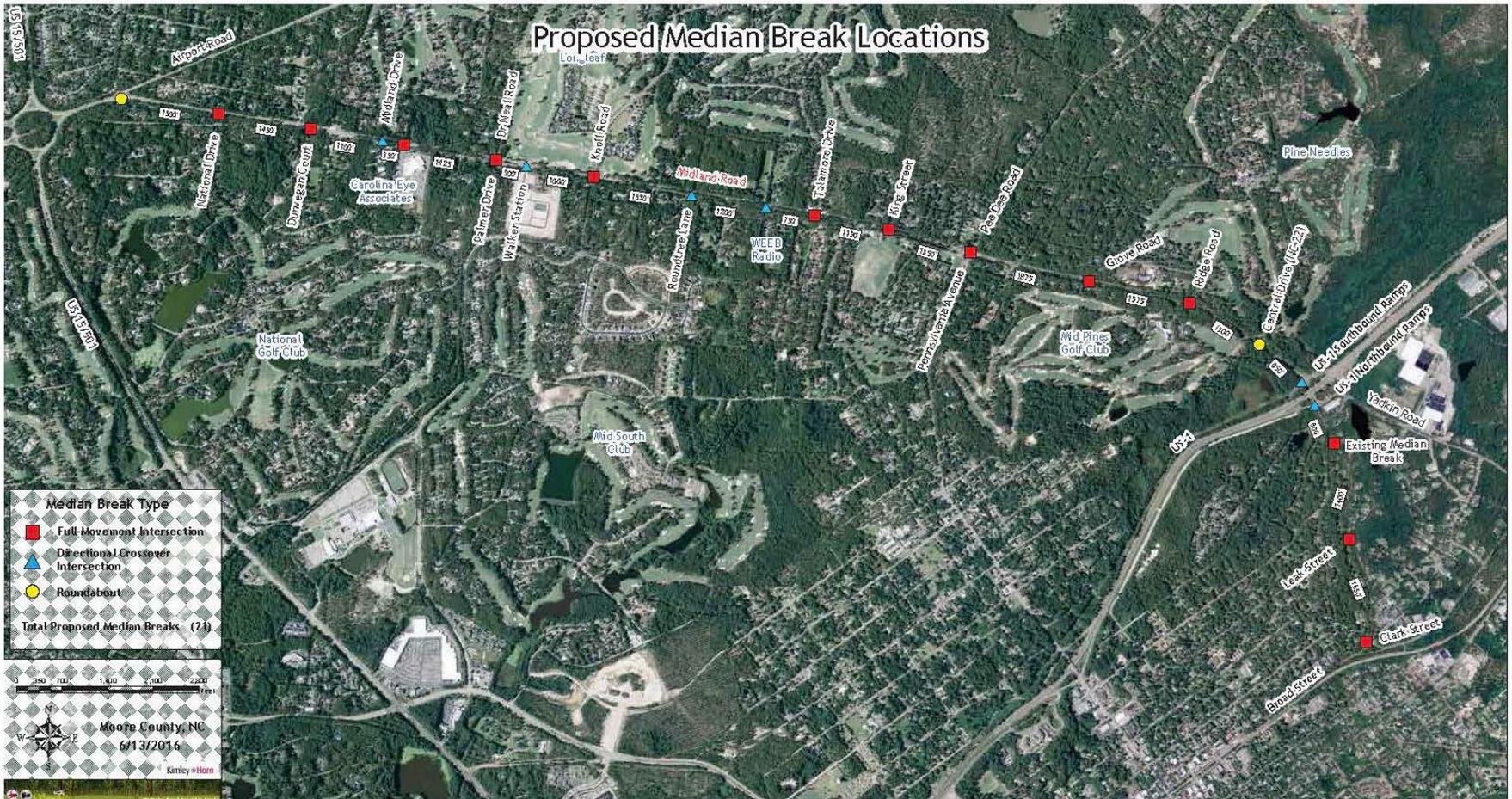


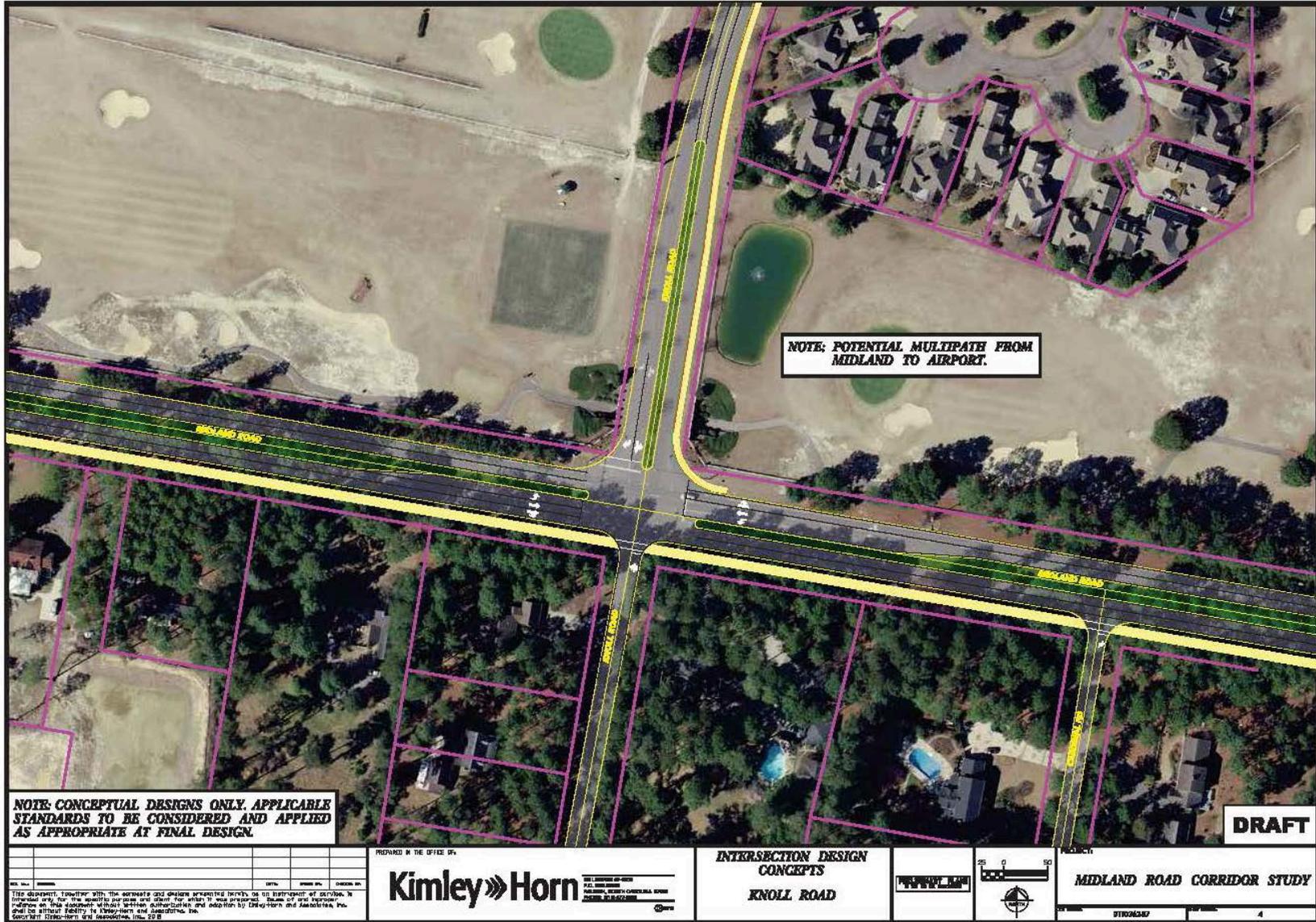
Figure 3.2
 (page 8 in Midland Road Corridor Study: Final Report)



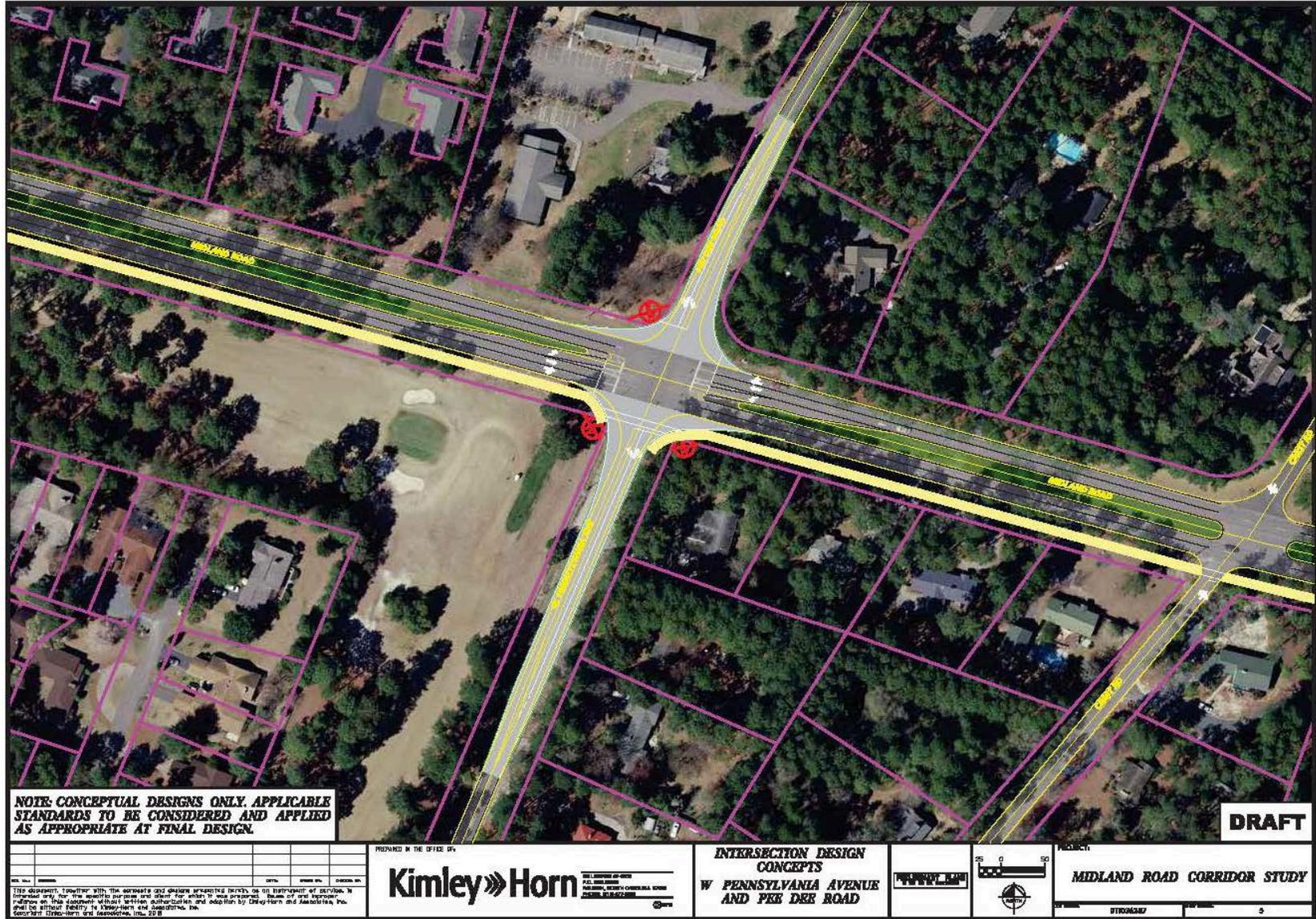
Figure 4.1
 (page 13 in Midland Road Corridor Study: Final Report)



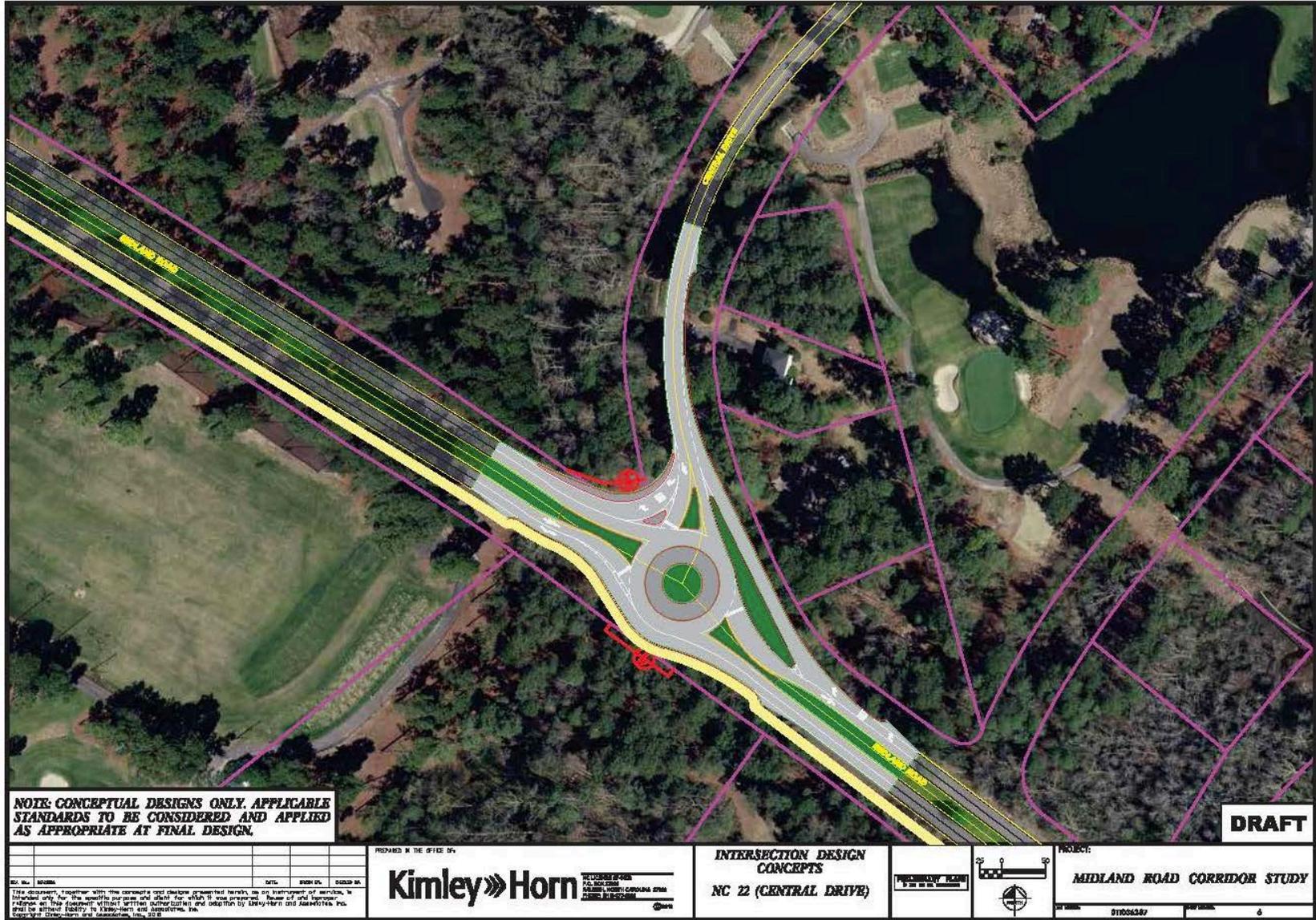
Knoll Road & Midland Intersection Concept
 (page 21 in Midland Road Corridor Study: Final Report)



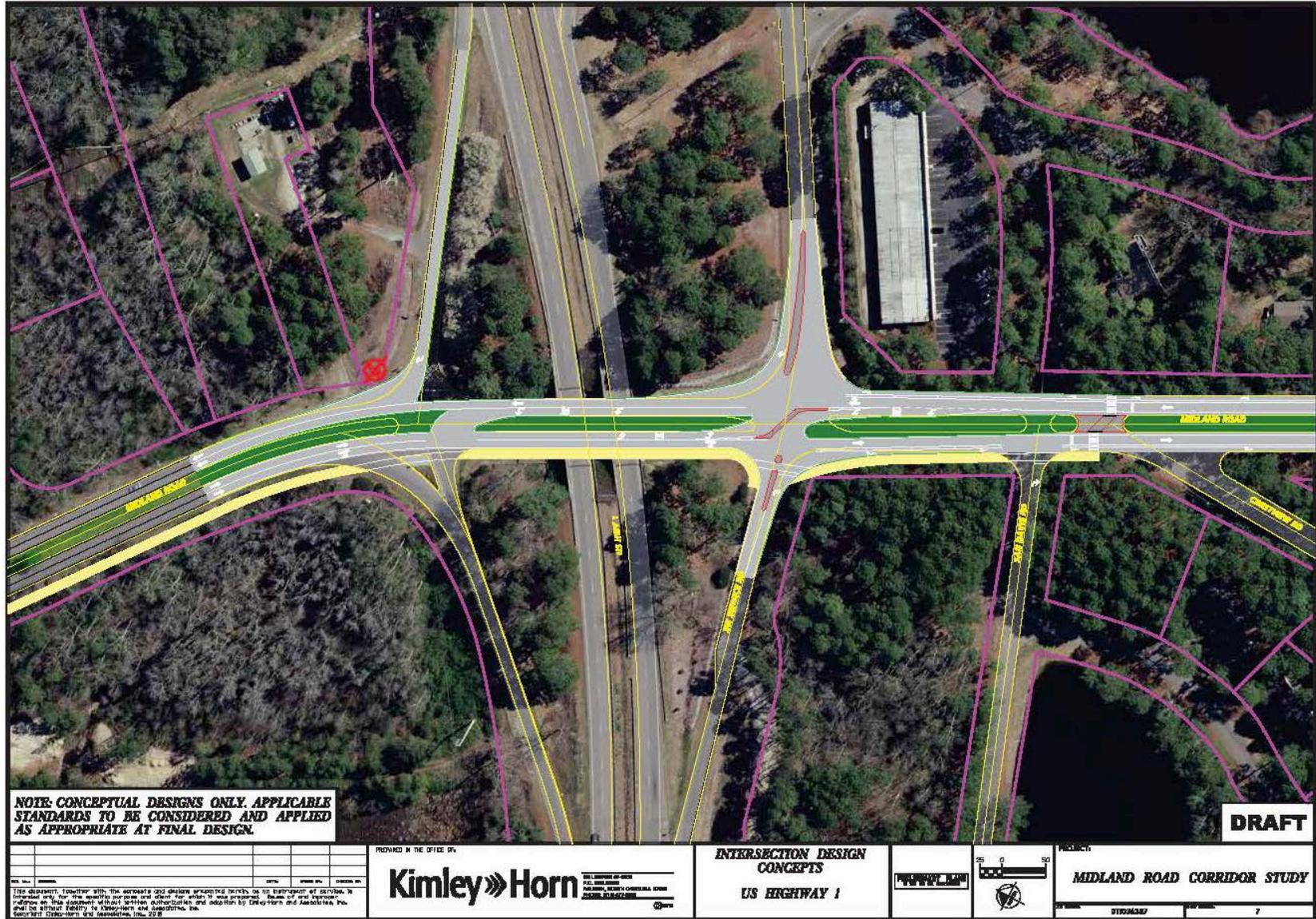
W. Pennsylvania Avenue/Pee Dee Road & Midland Road Intersection Concept
 (page 22 in Midland Road Corridor Study: Final Report)



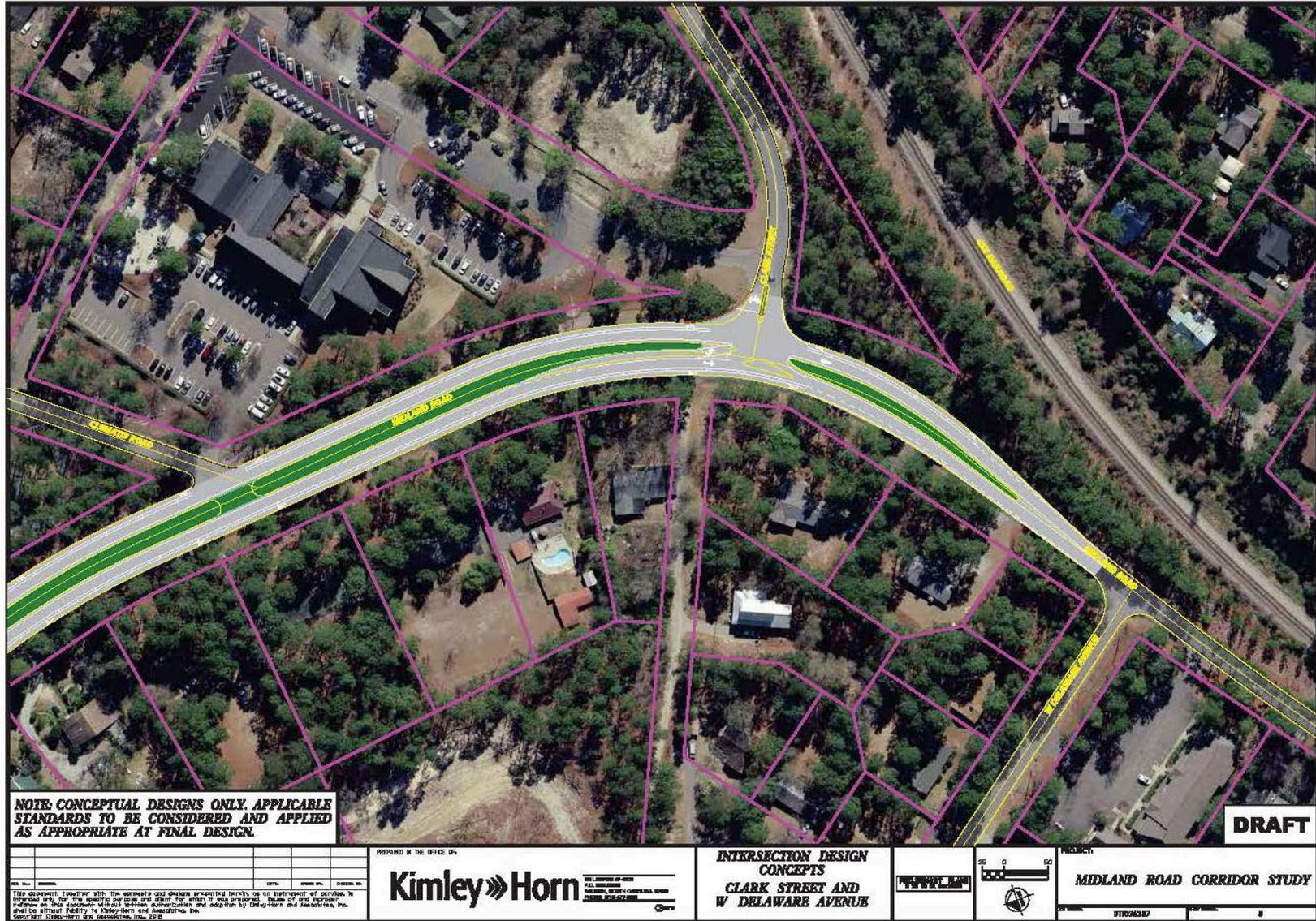
NC Highway 22 (Central Drive) & Midland Road Intersection Concept
 (page 23 in Midland Road Corridor Study: Final Report)



US Highway 1 & Midland Road Intersection Concept
 (page 24 in Midland Road Corridor Study: Final Report)



Clark Street & Midland Road Intersection Concept
 (page 25 in Midland Road Corridor Study: Final Report)



Work Session Agenda Item

To: Reagan Parsons, Town Manger

Via: Chris Kennedy, Community Development Director

From: Bart Nuckols, Planning Director

Subject: CU-05-16; Written Decision of the Board and Conditional Use Permit for Major Amendment to CU-04-88, Longleaf Golf & Family Club; Petitioner, Floyd Properties & Development Inc.

Date: November 28, 2016

CU-05-16; Written Decision of the Board and Conditional Use Permit for Major Amendment to CU-04-88, Longleaf Golf & Family Club; Petitioner, Floyd Properties & Development Inc.

Per Section 2.14.6 (F) (11) “A written decision must be approved for every quasi-judicial application, either by entering the decision at the end of the hearing or at a subsequent meeting of the Hearing Body, which shall generally be the next scheduled meeting. As part of the written decision, the Hearing Body must make findings of fact and conclusions as to applicable standards and any conditions. The Chair may direct the Planning Director or Town Attorney to draft a written decision for approval by the Hearing Body at its next regularly scheduled meeting, which approval may be on a consent agenda.” Staff has prepared both the Written Decision of the Board and the Conditional Use Permit document for the application CU-05-16. If the Written Decision of the Board is approved by the Town Council, the Mayor will sign the Written Decision of the Board. The original signed version will be delivered to the petitioner with staff maintaining a copy of the signed document in the file. If the Conditional Use Permit document is approved by the Town Council, a copy of the Conditional Use Permit document will be delivered to the petitioner who will then be required to record the document and deliver a copy of the recorded instrument to the Planning Department for the file.

Attachments:

- Written Decision for CU-05-16
- Conditional Use Permit for CU-05-16

The Town Council may wish to take one of the following actions:

1. No action;
2. Accept the Conditional Use Permit and the Written Decision for CU-05-16 as prepared by the Town staff;
3. An action listed above with the following conditions...
4. Action not listed above...

TOWN OF SOUTHERN PINES

REGULAR MEETING OF THE TOWN COUNCIL

November 9, 2016

7:00 pm

Douglass Community Center
1185 W. Pennsylvania Avenue

DECISION OF THE BOARD

Petitioner: Floyd Properties & Development, Inc.

Case Number: CU-05-16

The meeting was called to order with five (5) members present and the Chairman declared that a quorum was present. The petitioner, Floyd Properties & Development, Inc., appeared before the Board through its engineer, Shane Sanders of SNS Engineering. The petitioner was also represented by David Wilson, who spoke in favor of the request. The oath was administered to the witnesses prior to their testimony.

Matter at Issue:

CU-05-16 Major Amendment to CU-04-88, Area “F”; Longleaf Golf & Family Club; Petitioner, Floyd Properties & Development, Inc.

On behalf of the petitioner, Floyd Properties & Development, Inc., Mr. David Wilson and Mr. Shane Sanders have submitted a Conditional Use Permit application requesting the approval of a Major Amendment to Conditional Use Permit CU-04-88. The Longleaf Golf & Family Club was approved under application CU-04-88 which permitted a PRD (Planned Residential Development) and a golf course development between Midland Road and Airport Road with a total of five-hundred nine (509) dwelling units. The petitioner is seeking a Conditional Use Permit for a Major Amendment to “Area F” as designated in the original master plan under CU-04-88 to modify the approved unit type from eighty-two (82) townhomes to twenty-four (24) single-family detached homes and ten (10) townhomes. The proposal will utilize the existing density and approved dwelling unit total approved for the Longleaf Golf & Family Club development, deviating only in the unit type proposed for this section. The subject property is identified by the following: PIN: 857318326163 (PARID: 00041500) and PIN: 857318317745 (PARID: 00992022). Per the Moore County Tax records, the property owner is listed as NC One, LLC (c/o Paul Swanson Associates).

Mr. Shane Sanders presented the case for the approval of Conditional Use Permit CU-05-16. Mr. Sanders provided an overview of the current request and presented historical context of the previous approval for CU-04-88. Mr. Sanders addressed the questions from the Town Council and the public present at the public hearing. Mr. Sanders submitted into evidence a written narrative illustrating the application’s consistency with the UDO criteria for a Conditional Use Permit as set forth in UDO Section 2.21.7.

Mr. David Wilson provided an overview of the proposed development for twenty-four (24) single-family detached homes and ten (10) townhome units intended for the site and the subject of the Major Amendment request. Mr. Wilson addressed the questions from the Town Council and the public present at the public hearing with respect to the proposal for the current site.

Town Council Action: Hearing all evidence submitted by the petitioner and any comments from those in attendance, the Town Council then closed the public hearing. After a period of discussion and deliberation the Town Council made the following findings of fact on the application:

Findings of Fact:

The following findings of fact were made by the Board as required by Section 2.21.7:

Finding of Fact #1

- 1) **I move that as a finding of fact that the application is complete and that the facts submitted are relevant to the case, in that...**
 - a. The request for a Conditional Use Permit approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices; and,
 - b. The facts submitted are relevant to the case as the evidence submitted was sworn testimony done so by qualified experts or provided through substantiated documentation.

Finding of Fact #2

- 1) **I move that as a finding of fact the application complies with Section 2.21.7 Criteria for a Conditional Use Permit, Criteria A-F, in that...**

2.21.7 Criteria

A Conditional Use is permitted only if the Applicant demonstrates that:

- A. The proposed conditional use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations;**

The Board finds that the proposed conditional use complies with all applicable zoning district regulations and supplemental use regulations to allow for the approval of a Major Amendment to the existing Conditional Use Permit to permit twenty-four (24) single-family detached homes and ten (10) townhome units in lieu of the original approval consisting of eighty-two (82) townhome units. The petitioner has demonstrated this compliance in testimony provided however the Board also recognizes that many details will also be subject to staff review during site plan, construction, and inspections processes should the project proceed forward.

B. The proposed conditional use shall conform to the character of the neighborhood in which it is located and not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted;

The Board finds that the proposed conditional use provides greater conformance to the neighborhood, if approved, in comparison to the previously approved land use of eighty-two (82) townhome units. The adjacent properties are comprised of primarily single-family detached homes on RS-1 zoned parcels situated around the Longleaf Golf Course. The project will also adhere to dimensional standards and restrictions including height, setbacks, landscaping, buffers and the like set forth in the original approval to protect the use and enjoyment of adjacent property.

C. Adequate public facilities shall be provided as set forth herein;

The Board finds that the required public facilities required, including public water and sewer utilities, as well as streets and pedestrian connections, are readily available for the project due to existing improvements to the overall development constructed during previous phases within the Longleaf Golf & Family Club. The petitioner also offered during the hearing that the sidewalk/greenway trail presented will be constructed during Phase 1 of the project; Phase 1 will consist of the single-family detached homes and Phase 2 will include the townhome development. The sidewalk/greenway trail will be extended from the existing trail, along the frontage of the subject property, to Paddock Lane. The responsibility of the extension and construction of any new improvements required and any associated costs with such improvements will be borne by the developer.

D. The proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district or substantially diminish or impair the property values within the neighborhood;

The Board finds that the proposed conditional use will not impede the orderly development or improvement of the surrounding property nor will it substantially diminish or impair the property values within the neighborhood as the majority of the surrounding property is built-out and the proposed project is designed within the confines of the Town's standards and regulations. The proposed use is in greater conformance to the neighborhood in comparison to the previously approved land use of eighty-two (82) townhome units as the predominance of the adjacent properties are comprised of single-family detached homes. In summation, the proposed Major Amendment should not impede the orderly development or improvement of the surrounding property for uses permitted within their respective zoning districts or substantially diminish or impair the property values within the neighborhood.

E. The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, comfort or general welfare;

The Board finds that the proposed project complies with the previously approved Conditional Use Permit CU-04-88, except as amended, and with UDO and CLRP standards. The approval of CU-04-88 was based, just like all approved applications that come before the Board, on its promotion of the health, safety, and general welfare of the public. The CLRP and the UDO are documents that are adopted on the premise that the policies, standards, and regulations included therein advance the health, safety,

and general welfare of the public. The Board finds that the Major Amendment as proposed, in conjunction with the evidence submitted, is not detrimental to and does not endanger the public health, safety, comfort or general welfare of the surrounding neighborhood and the public at large due to its compatibility with the UDO and the CLRP.

F. The public interest and welfare supporting the proposed use shall be sufficient to outweigh the individual interests that are adversely affected by the establishment of the proposed use.

The Board finds that the proposed Major Amendment and the project included therein establishes a land use that better fits the context of the surrounding neighborhood and this area of Southern Pines than the construction of eighty-two (82) townhome units. The Board concludes that the Major Amendment as proposed in conjunction with the testimony submitted provides the necessary evidence to suggest that the public interest involved with the modification to twenty-four (24) single-family dwelling lots and ten (10) townhouse units in lieu of eighty-two (82) townhome units outweighs any individual interests that may be adversely affected.

The Planning Board then voted on whether the proposed *Conditional Use Permit* is consistent with the adopted *Comprehensive Long Range Plan* and any other applicable officially adopted plan.

By a vote of 5-0, the Town Council voted to approve that the proposed *Conditional Use Permit Application* is consistent with those documents that constitute the officially adopted land development plan and other applicable plans in that the request is consistent with the Official Future Land Use Map of the Comprehensive Long Range Plan as well as Goals G-7, G-11, Policies P-2, P-4, P-6, P-9, P-10, P-12, P-15, along with other policies, goals, and objectives within the Comprehensive Long Range Plan.

By a vote of 5-0, the Town Council voted to approve of the *Conditional Use Permit Application* CU-05-16 as a Major Amendment to the approved Conditional Use Permit CU-04-88 with no additional conditions.

Decision of the Board:

The Town Council approved the requests under Conditional Use Permit application CU-05-16 for a Major Amendment to the approved Conditional Use Permit CU-04-88 with no additional conditions.

This the 28th day of November, 2016.

FOR THE TOWN COUNCIL:

David McNeill, Mayor

cc: Douglas Gill, Esq.
Southern Pines Planning Department
Southern Pines Planning Board
Southern Pines Town Clerk
Reagan Parsons, Town Manager
Chris Kennedy, Assistant Town Manager
Jim Simeon, Mayor Pro Tempore
Fred Walden
Teresa Van Camp
Carol Haney

Floyd Properties & Development, Inc.
NC One LLC c/o Paul Swanson Associates
Longleaf Golf & Family Club

THIS CONDITIONAL USE PERMIT MUST BE RECORDED AND PROOF OF RECORDATION PROVIDED TO THE TOWN OF SOUTHERN PINES PRIOR TO THE ISSUANCE OF ANY PERMITS.

The undersigned owners of the above-described property acknowledge the receipt and issuance of the Conditional Use Permit and the conditions as set forth in this document.

FLOYD PROPERTIES AND DEVELOPMENT, INC.

By: _____

GREGORY W. FLOYD, Registered Agent

By: _____

When recording show owners as Floyd Properties and Development, Inc.

STATE OF NORTH CAROLINA

COUNTY OF MOORE

I certify that the following person personally appeared before me this date, acknowledging to me that he/she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: FLOYD PROPERTIES AND DEVELOPMENT, INC.

Date: _____

Notary Public

Printed name of Notary Public

{Official Seal}

My Commission Expires: _____

When recording show owners as Floyd Properties and Development, Inc.

STATE OF NORTH CAROLINA

COUNTY OF MOORE

I, _____, a notary public, certify that GREGORY W. FLOYD, either personally known to me or proven by satisfactory evidence (said evidence being _____), personally came before me this day and acknowledged that he/she is the REGISTERED AGENT OF FLOYD PROPERTIES AND DEVELOPMENT, INC., a North Carolina corporation and he/she, as registered agent, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official seal, this the ____ day of _____, 20__.

(SEAL)

Notary Public

My Commission Expires: _____

Work Session Agenda Item

To: Reagan Parsons, Town Manger

Via: Chris Kennedy, Community Development Director

From: Bart Nuckols, Planning Director

Subject: CU-06-16; Written Decision of the Board and Conditional Use Permit for Major Amendment to CU-01-11, Tyler's Ridge; Petitioner, Building Blocks Early Education Centers

Date: November 28, 2016

CU-06-16; Written Decision of the Board and Conditional Use Permit for Major Amendment to CU-01-11, Tyler's Ridge; Petitioner, Building Blocks Early Education Centers

Per Section 2.14.6 (F) (11) "A written decision must be approved for every quasi-judicial application, either by entering the decision at the end of the hearing or at a subsequent meeting of the Hearing Body, which shall generally be the next scheduled meeting. As part of the written decision, the Hearing Body must make findings of fact and conclusions as to applicable standards and any conditions. The Chair may direct the Planning Director or Town Attorney to draft a written decision for approval by the Hearing Body at its next regularly scheduled meeting, which approval may be on a consent agenda." Staff has prepared both the Written Decision of the Board and the Conditional Use Permit document for the application CU-06-16. If the Written Decision of the Board is approved by the Town Council, the Mayor will sign the Written Decision of the Board. The original signed version will be delivered to the petitioner with staff maintaining a copy of the signed document in the file. If the Conditional Use Permit document is approved by the Town Council, a copy of the Conditional Use Permit document will be delivered to the petitioner who will then be required to record the document and deliver a copy of the recorded instrument to the Planning Department for the file.

Attachments:

- Written Decision for CU-06-16
- Conditional Use Permit for CU-06-16

The Town Council may wish to take one of the following actions:

1. No action;
2. Accept the Conditional Use Permit and the Written Decision for CU-06-16 as prepared by the Town staff;
3. An action listed above with the following conditions...
4. Action not listed above...

TOWN OF SOUTHERN PINES

REGULAR BUSINESS MEETING OF THE TOWN COUNCIL

October 11, 2016 (Public Hearing Opened)

November 9, 2016 (Continuance of Public Hearing)

7:00 pm

Douglass Community Center

1185 W. Pennsylvania Avenue

DECISION OF THE BOARD

Petitioner: Building Blocks Early Education Centers

Case Number: CU-06-16

The meeting was called to order with four (4) members present and the Chairman declared that a quorum was present. Councilwoman Carol Haney was not appointed until the October Town Council Work Session therefore she did not participate in the continued session of the public hearing as she was not appointed to the Town Council at the outset of the public hearing in October. The petitioner, Building Blocks Early Education Centers appeared before the Board through its agent, Mr. Perry Melton. The property owner, Mr. James O'Malley also spoke in favor of the request. The oath was administered to the witnesses prior to their testimony.

Matter at Issue:

CU-06-16 Major Amendment to CU-01-11 for a Daycare; Tyler's Ridge; Petitioner, Building Blocks Early Education Centers

On behalf of the petitioner, Building Blocks Early Education Centers, Mr. Perry Melton has submitted a request for a Major Amendment to Conditional Use Permit CU-01-11. The approval of CU-01-11 approved a mixed-use development off of NC Highway 22 to include a commercial business park, a residential apartment section, and three (3) single-family homes. Mr. Melton is seeking a Major Amendment to the previously approved Conditional Use Permit to remove the requirement for the single-family homes in favor of a daycare center to be constructed on the same lots designated for single-family development. The subject property is comprised of 1.48 acres with the entirety of the subject property located within the corporate limits of the Town of Southern Pines. The subject property is identified by the following: PIN: 857300969695 (PARID: 00035939); PIN: 857300969508 (PARID: 20110241); and PIN: 857300967690 (PARID: 20110242). Per the Moore County Tax records, the property owner(s) are listed as Tyler's Ridge Business Park, LLC.

Mr. James O'Malley, presented the case for the approval of Conditional Use Permit CU-06-16. Mr. O'Malley provided an overview of the current request and provided historical context of the previous approval for CU-01-11. Mr. O'Malley then addressed the questions from the Town Council and the public present at the public hearing. Mr. O'Malley submitted into evidence a written narrative describing the application's consistency with the UDO criteria for a Conditional Use Permit as set forth in UDO Section 2.21.7.

Mr. Perry Melton, provided an overview of the proposed business, Building Blocks Early Education Centers, intended for the site and the subject of the Major Amendment request. Mr. Melton addressed the questions from the Town Council and the public present at the public hearing with respect to his daycare operations in the region and the proposal for the current site.

Town Council Action: Hearing all evidence submitted by the petitioner and those against the project, in addition to comments from others in attendance, the Town Council then closed the public hearing. After a period of discussion and deliberation the Town Council made the following findings of fact on the application:

Findings of Fact:

The following findings of fact were made by the Board as required by Section 2.21.7:

Finding of Fact #1

- 1) **I move that as a finding of fact that the application is complete and that the facts submitted are relevant to the case, in that...**
 - a. The request for a Conditional Use Permit approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices; and,
 - b. The facts submitted are relevant to the case as the evidence submitted was sworn testimony done so by qualified experts or provided through substantiated documentation.

Finding of Fact #2

- 1) **I move that as a finding of fact the application complies with Section 2.21.7 Criteria for a Conditional Use Permit, Criteria A-F, in that...**

2.21.7 Criteria

A Conditional Use is permitted only if the Applicant demonstrates that:

- A. The proposed conditional use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations;**

The Board finds that the proposed conditional use complies with all applicable zoning district regulations and supplemental use regulations to allow for the approval of a Major Amendment to the existing Conditional Use Permit to permit the removal of the three (3) single-family lots in favor of a daycare. The petitioner has demonstrated this compliance in

testimony provided however the Board recognizes that many details will also be subject to staff review during site plan, construction, and inspections processes should the project proceed forward. The Board also acknowledges the request to reduce the required number of parking spaces per the UDO standards to the reduced number shown on the plans as part of this submittal, however this consent is in concept to the proposal shown and is subject to variation during the site plan process per UDO Section 4.5.4. Please also note that all other aspects of the parking lot will remain consistent with UDO standards. The existing Conditional Use Permit in effect on the property, CU-01-11, was approved under a Conditional Use Permit application for a Planned Residential Development (PRD) with a commercial area attached to the PRD. Conditional Use Permit CU-01-11 was approved under the previous version of the UDO that was replaced in October 2013; the current UDO no longer includes a PRD pattern for development, therefore the requirement for the single-family homes would no longer be required for this development if it were to apply for the same approval under the current UDO. The Major Amendment requested under CU-06-16 is consistent with the current UDO standards with the exception of the parking reduction request, however this Board consents to allowing the planning staff to reduce the number of required parking spaces based on UDO Section 4.5.4.

B. The proposed conditional use shall conform to the character of the neighborhood in which it is located and not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted;

The Board finds that the proposed conditional use provides greater conformance to the neighborhood, if approved, in comparison to the previously approved land use of three (3) single-family lots. The adjacent properties are comprised of a commercial center in the Tyler's Ridge Business Park, the Tyler's Ridge Apartments multi-family development, a single-family residence on a PD zoned parcel, and undeveloped/garden property owned by Sandhills Community College. The previous Conditional Use Permit approval, CU-01-11, implemented a number of buffers between the Tyler's Ridge development and the single-family residence and the community college owned property, those buffers remain in place with this request. Furthermore, the Tyler's Ridge Business Park and the Tyler's Ridge Apartments are owned by the same property owner as this request so the Board finds that the proposed use will not injure the use or the enjoyment of property in the immediate vicinity for the purposes already permitted. The project will also adhere to dimensional standards and restrictions including heights, setbacks, landscaping, buffers and the like as set forth in the UDO to protect the use and enjoyment of adjacent property.

C. Adequate public facilities shall be provided as set forth herein;

The Board finds that the required public facilities required, including public water and sewer utilities as well as streets, are readily available for the project due to existing improvements to the overall development constructed during previous phases within the Tyler's Ridge Business Park and the Tyler's Ridge Apartments multi-family development. The responsibility of the extension and construction of any new improvements required and any associated costs with such improvements will be borne by the developer.

D. The proposed use shall not impede the orderly Development and improvement of surrounding property for uses permitted within the zoning district or substantially diminish or impair the property values within the neighborhood;

The Board finds that the proposed conditional use will not impede the orderly development or improvement of the surrounding property for uses permitted within their respective zoning districts or substantially diminish or impair the property values of within the neighborhood. The proposed use is in greater conformance to the neighborhood, if approved, in comparison to the previously approved land use of three (3) single-family lots. The adjacent properties are comprised of a commercial center in the Tyler's Ridge Business Park, the Tyler's Ridge Apartments multi-family development, a single-family residence on a PD zoned parcel, and undeveloped/garden property owned by Sandhills Community College. The approval of CU-01-11 implemented a number of buffers between the Tyler's Ridge development and the single-family residence and the community college owned property, those buffers remain in place with this request. The project will tap onto and/or extend public utilities and streets, which will allow more efficient extensions for future development. The project will comply with previous conditions set forth in the approval of CU-01-11 and current UDO regulations relative to dimensional standards and restrictions including heights, setbacks, landscaping, buffers and the like as set forth in the UDO. In summation, the proposed Major Amendment should not impede the orderly development or improvement of the surrounding property for uses permitted within their respective zoning districts or substantially diminish or impair the property values of within the neighborhood.

E. The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, comfort or general welfare;

The Board finds that the proposed project will comply with the previously approved Conditional Use Permit CU-01-11, except as amended under the current request, and with UDO and CLRP standards. The approval of CU-01-11 was based, just like all approved applications that come before the Board, on its promotion of the public health, safety, and general welfare. The CLRP and the UDO are documents that are adopted on the premise that the policies, standards, and regulations included therein advance the health, safety, and general welfare of the public. The Board finds that the Major Amendment as proposed, in conjunction with the evidence submitted, is not detrimental to and does not endanger the public health, safety, comfort or general welfare of the surrounding neighborhood and the public at large due to its compatibility with the UDO and the CLRP.

F. The public interest and welfare supporting the proposed use shall be sufficient to outweigh the individual interests that are adversely affected by the establishment of the proposed use.

The Board finds that the proposed Major Amendment and the project included therein, establishes a land use that better fits the context of the surrounding neighborhood and this area of Southern Pines than the construction of three (3) single-family lots. The provision of a daycare facility within this mixed-use development reduces the potential impact of vehicular traffic of residents and consumers of the nearby apartments, homes, commercial centers, and schools including the community college and the O'Neal school as the residents and consumers can find child care in close proximity to these destinations without driving to

areas along US Highway 1, US Highway 15-501, or other areas within the region. Development, in general, may create externalities that some may perceive as an adverse impact, however, in comparison to the approved single-family lots the impact is negligible with the construction of a daycare. The Board concludes that the Major Amendment as proposed and the testimony submitted provides the necessary evidence to suggest that the public interest involved with the modification to a daycare in lieu of three (3) single-family dwelling units outweighs any individual interests that may be adversely affected.

The Town Council then voted on whether the proposed *Conditional Use Permit* is consistent with the adopted *Comprehensive Long Range Plan* and any other applicable officially adopted plan.

By a vote of 4-0, the Town Council voted to approve that the proposed *Conditional Use Permit Application* is consistent with those documents that constitute the officially adopted land development plan and other applicable plans in that the request is consistent with the Official Future Land Use Map of the Comprehensive Long Range Plan as well as other policies, goals, and objectives within the Comprehensive Long Range Plan.

By a vote of 4-0, the Town Council voted to approve *Conditional Use Permit* application CU-06-16, including Watershed Protection Permit WP-03-16, as a Major Amendment to the approved Conditional Use Permit CU-01-11 with the following conditions:

1. All applicable previous conditions applied to the approval of CU-01-11 remain in place with any approval of CU-06-16.

The Town Council also wishes to extend a comment that the proposed Major Amendment presumes that the subject properties (Tyler's Ridge Lots 3-5) are to be considered separate from the previously approved Tyler's Ridge Commercial Area allocations with respect to allowable impervious surface, parking space maximums, and commercial space square footage.

Decision of the Board:

The Town Council approved the requests under Conditional Use Permit application CU-06-16, including Watershed Protection Permit WP-03-16, for a Major Amendment to the approved Conditional Use Permit CU-01-11 with the following condition:

1. All applicable previous conditions applied to the approval of CU-01-11 remain in place with the approval of CU-06-16.

This the 28th day of November, 2016.

FOR THE TOWN COUNCIL:

David McNeill, Mayor

cc: Douglas Gill, Esq.
Southern Pines Planning Department
Southern Pines Planning Board
Southern Pines Town Clerk
Reagan Parsons, Town Manager
Chris Kennedy, Assistant Town Manager
Jim Simeon, Mayor Pro Tempore
Fred Walden
Teresa Van Camp
Carol Haney

HBM, LLC dba Building Blocks Early Education Centers
Tyler's Ridge Business Park, LLC

**THIS CONDITIONAL USE PERMIT MUST BE RECORDED AND PROOF OF
RECORDATION PROVIDED TO THE TOWN OF SOUTHERN PINES PRIOR TO THE
ISSUANCE OF ANY PERMITS.**

The following conditions, with the agreement of the applicant, apply to this Conditional Use Permit:

1. All applicable previous conditions applied to the approval of CU-01-11 remain in place with any approval of CU-06-16.

The undersigned owners of the above-described property acknowledge the receipt and issuance of the Conditional Use Permit and the conditions as set forth in this document.

TYLER'S RIDGE BUSINESS PARK, LLC

By: _____

JAMES B. O'MALLEY, Registered Agent

By: _____

When recording show owners as Tyler's Ridge Business Park, LLC

STATE OF NORTH CAROLINA

COUNTY OF MOORE

I certify that the following person personally appeared before me this date, acknowledging to me that he/she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: TYLER'S RIDGE BUSINESS PARK, LLC

Date: _____

Notary Public

Printed name of Notary Public

{Official Seal}

My Commission Expires: _____

When recording show owners as Tyler’s Ridge Business Park, LLC

STATE OF NORTH CAROLINA

COUNTY OF MOORE

I, _____, a notary public, certify that JAMES B. O’MALLEY, either personally known to me or proven by satisfactory evidence (said evidence being _____), personally came before me this day and acknowledged that he/she is the REGISTERED AGENT OF TYLER’S RIDGE BUSINESS PARK, LLC, a North Carolina corporation and he/she, as registered agent, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official seal, this the ____ day of _____, 20__.

(SEAL)

Notary Public

My Commission Expires: _____