

Agenda
Work Session
Aberdeen Town Board

April 3, 2014
Thursday, 5:30 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

1. Veteran's Weekend - John Boesche.
2. Partners in Progress Listen and Learn Forum.
3. Public Hearing on CDBG #12-C-2438 – Project Budget Amendment.
4. History and Designs of Proposed Sign for Aberdeen Lake Park.
5. Street Closure for Downtown Festival. **Consider approval at Work Session**
6. Town Sponsored Rezoning Request RZ #14-01 for Properties located along Keyser Street. **New Business on 4/21/14**
7. UDO Text Amendment UDO #14-01 Regarding Residential District Standards for Garages. **New Business on 4/21/14**
8. UDO Text Amendment UDO #14-02 Regarding the Discharge of Firearms within the Town Limits. **Public Hearing scheduled for 4/21/14**
9. UDO Text Amendment UDO #14-03 with Regard to Cluster Subdivisions. **Public Hearing scheduled for 4/21/14**
10. Rezoning Request #14-02 to rezone a 38 acre parcel on Pee Dee Road from C-I to the R20-16 Residential District. **Public Hearing scheduled for 4/21/14**
11. UDO Conditional Zoning Request CZ #14-02 from R10-10 to B-3-C. **Public Hearing scheduled for 4/21/14**
12. Revisions to the Permit Fee Schedule. **Consider approval at Work Session**
13. Discussion of Joint Retreat with Planning Board.
14. Consider acceptance of Bids for Sale and Removal of a Residential Structure located at 805 N. Poplar Street and another Residential Structure located at 804 Holly Street. **Consider approval at Work Session**
15. Resolution Approving Financing Terms for new Fire Truck. **Consider approval at Work Session**

16. Other Business.
 - a. Schedule Budget Retreat.
17. Closed Session pursuant to G.S. 143-318.11(a)(3) and (5) to discuss matters within the attorney-client privilege and pursuant to G.S. 143-318.11(a)(6) to discuss personnel matters.
18. 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.

THE HISTORY OF VETERANS WEEKEND

In 2013, the Sandhills Chapter of Military Officers Association of America (MOAA) narrowed its programming to 1) raise awareness of and appreciation for Veterans in Moore County and 2) focus on assisting the more than 10,200 military veterans in Moore County.

As we got closer to the issue, we realized how challenging and how important it was to not only help the veterans needing assistance, but to focus more attention on veteran's issues in Moore County.

The County Veterans Office estimates that more than 1500 veterans live near or below the poverty line.

MOAA recognized one important way to help was provide more funding for the organizations in Moore County that serve our veterans. We began to develop two event concepts that we believed would generate funds. The lead public effort was a "Patriotic Pops Concert."

To assure the concert delivered maximum financial benefit to Moore County veterans, MOAA approached Pinehurst, Southern Pines and Aberdeen for equal amounts of financial support. Our goal was to cover estimated cost so that every penny of ticket sales and donations would be available for the veteran service organizations in Moore County, such as MMIA, VFW, Old Glory Legacy Foundation and the Moore County Disabled American Veterans Chapter #83.

Thanks to your generosity, that was accomplished...and so much more.

The work on the concert spawned other events, and contributed greatly to the goal of focusing substantial attention on veterans in Moore County and their needs. Your support spawned the first Veterans Day Parade in southern Moore County in recent memory. It also led to the creation of Veterans Weekend -- an umbrella concept for celebrating veterans.

Veterans Weekend was made official by a joint proclamation of the Mayors of Pinehurst, Southern Pines and Aberdeen. That increased the interest in and support for the event(s) among the area media -- a group so very important in informing and attracting people to a brand new event.

In all our promotional materials, we positioned the municipalities as "supporters" rather than "sponsors," to avoid a "gold rush" of event producers seeking dollars from the municipalities to sponsor their events.

2.

Veterans Weekend included the Veterans Day Parade, the "Patriotic Pops Concert," the Special Forces Assoc. "Race, Ride and Chili Cook-off," the Veterans Putting Challenge and the Veterans Day Observance at Village Hall.

The Veteran's Putting Challenge, held at Mid-Pines, was the other source of MOAA's fund raising. It featured nine teams of four veterans. Each team was made up of a veteran from WWII, Korea, Viet Nam and one from more recent conflicts. It also was very successful as a fundraiser and all those funds went to support Moore County Disabled American Veterans (DAV) Chapter #83. The DAV Chapter is a primary transportation provider for veterans needing to get to medical care.

The local media were magnificent in putting their assets behind your investment to create success at event after event. It was a potent and valuable combination, worth many thousands of dollars.

The Pilot got the ball rolling with a September 25th front page story in about the joint proclamation. The news spread to Fayetteville, with an article in Elite Magazine. An important underpinning to everything in this write-up is the clear message to service men and women that the Sandhills is military-friendly.

The Pilot supported the individual events and the Veterans Weekend concept efforts both editorially and with advertising. The circulation of ads supporting the concert and parade reached more than 100,000 copies and potential readership impressions of more than 230,000. There were also numerous stories related to the events, including a major feature about the concert, just before the event.

The broadcast community did its part, as well, with several thousand dollars-worth of air time. The stations of Muirfield Broadcasting (WIOZ, Star102.5, Sandhills TV3) plus WEEB, and WLHC carried the message about community support for the veteran-focused events. They also supported the events with on-air interviews and "produced" PSAs.

Additional support was gained through the use of social media and the web sites of the three municipalities, several residential communities and several service organizations.

The promotion and advertising began in September and increased in October with broadcast and print media, some of which MOAA purchased (to support the concert).

Thanks to the initial support of the municipalities, MOAA was able to raise nearly \$20,000 from the Concert and Veterans Putting Challenge for the support of veteran's service organizations in Moore County, in 2013.



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: Jae Kim **Department:** Planning

Contact Phone # 944-7024 **Date Submitted:** 3/28/2014

Agenda Item Title: Notice of Public Hearing: CDBG #12-C-2438 Project Budget Amendment

Work Session - Board Action (date of meeting should be filled in on line) :	
Information Only _____	
Public Hearing <u>4/3/2014</u>	
Approval at work session - immediate action <u>4/3/2014</u>	
Regular Board Meeting - Board Action (date of meeting should be filled in on line):	
New Business _____	Information Only _____
Old Business _____	Consent Agenda _____
Public Hearing _____	Informal Discussion & Public Comment _____
Other Business _____	

Summary of Information:

A Project/Budget Amendment is required for CDBG #12-C-2438 (2012 SBEA) grant project. The total amount of the project is decreased from \$250,000 to \$225,000 due to the withdrawal of one of the businesses.

In addition, one other business requires a shift in their expenditures from one line item to another that is more than 10% of the total project budget. This shift triggers the budget amendment process for the grant.

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

TOWN OF ABERDEEN

COMMUNITY DEVELOPMENT BLOCK GRANT for
CDBG No. 12-C-2438: 2012 SMALL BUSINESS & ENTREPRENEURIAL
ASSISTANCE (SBEA) PROJECT
PROJECT BUDGET AMENDMENT

NOTICE OF PUBLIC HEARING

In accordance with Section .1002 of Subchapter 19L of the North Carolina Community Development Block Grant Program, notice is hereby given that the Town of Aberdeen will conduct a public hearing at 5:30 pm on Thursday, April 3, 2014 at 115 N. Poplar Street, in the Robert N. Page Municipal Building, Aberdeen North Carolina.

The purpose of this hearing is for the submission of a budget amendment to accurately reflect changes in project activities and expenditures since application was submitted. Originally, four businesses were included in the application; however, due to unforeseen circumstances, one business has asked to withdraw from the grant project. In addition, the withdrawal affects the total for the administration line item of the project. Also, one business requires a shift in their expenditure from one line item to another that is more than 10% of the total project budget. The 2012 SBEA project received \$250,000.00 in Grant funds to be used to jumpstart growth of existing small businesses, thus creating new jobs or retaining existing jobs to benefit low- and moderate-income (LMI) persons. All citizens of the Town of Aberdeen and interested persons are invited to attend this hearing.

Interested parties may present their views orally or in writing at the public hearing or prior to the public hearing by communicating with Bill Zell, Town Manager at 944-4505. Written citizen comments will be responded to in writing within ten (10) calendar days of receipt of comments by the applicant.

This information is available in Spanish or any other language upon request. Please contact Jae Kim at (910) 944-4514 or at 115 N. Poplar Street, Aberdeen, North Carolina for accommodations for this request.

Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con Jae Kim al (910) 944-4514 o en 115 North Poplar Street, Aberdeen, North Carolina de alojamientos para esta solicitud.

**PLEASE PUBLISH THIS ABOVE FOR ONE-DAY ONLY IN THE NON-LEGAL
(DISPLAY) SECTION OF THE PILOT ON SUNDAY, MARCH 23, 2014.**



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

March 19, 2014

Attn: Valerie Moore
North Carolina Department of Commerce
Division of Community Assistance (DCA)
4313 Mail Service Center
Raleigh, NC 27699-4313

Re: CDBG No. 12-C-2438, 2012 SBEA
Program Budget Amendment

Dear Ms. Moore,

The Town of Aberdeen is requesting a Program Budget Amendment under NC CDBG regulations 4 NCAC 19L. A budget revision is required because a change in a budget activity by more than 10% of the total budget is necessary. In addition, one business has withdrawn from the project; therefore, lowering the total project budget by \$25,000 from \$250,000 to \$225,000.

DCA was notified by a letter dated July 29, 2013 from the Town about the unfortunate news of Upro's withdrawal from the project. Due to unforeseen circumstances, Upro's withdrawal would change the total project budget and the admin line item as it was dependent on the award amount. The calculation for the admin line item is 15% of total CDBG request amount minus the planning line item amount, which would change the admin total from \$29,000 to \$25,250.

The second modification in the budget amendment shifts funding from the commercial rehabilitation line item to the machinery and equipment line item for Meridian Zero Degrees. This shift between the two line items is more than 10% of the total project budget. Only \$2,000 will be left in commercial rehab for the purchase of a railing and an awning for One-Eleven Main. No additional funding is requested in this budget amendment, nor will the changes requested alter the project.

The chart below reflects the original budget and what it should be after the amendment.

Line-Item	Original Budget	Proposed Amendment
<i>Admin</i>	\$29,000	\$25,250
<i>Planning</i>	\$8,500	\$8,500
<i>Machinery & Equipment</i>	\$103,250	\$189,250
<i>Rehab, Commercial</i>	\$109,250	\$2,000
<i>Total</i>	\$250,000	\$225,000

A public hearing notice was published on Sunday, March 23, 2014 in the local paper. The proposed amendment will be heard at a Board of Commissioner's Work Session on Thursday, April 3, 2014.

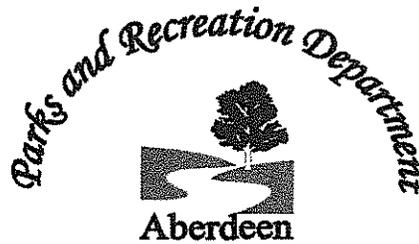
Should you have any questions or concerns, please contact our office at (910) 944-7024.

Sincerely,

Robert A. Farrell
Mayor

cc: Jae Kim, Planner I
Pam Graham, Planning Director
Bill Zell, Town Manager

Enclosure



MEMO

TO: Bill Zell, Town Manager

CC: Mayor and Board of Commissioners

FROM: Leigh W. Baggs, Director

DATE: March 28, 2014

SUBJECT: History and Designs of Proposed Sign for Aberdeen lake Park

As a follow-up to the discussion at one of the last Work Sessions about the history and various designs for the proposed sign at Aberdeen Lake Park, please find several designs that have been considered during the process.

The most recent design is a monument style, which the original design style considered. The signs have gone from monument to a board with changeable lettering to a digital style.

The location recommended by Parrish Sign is still on the corner of W Maple Avenue and US1. The sale representative recommends this location for increased visibility and to direct park patrons to the main entrance and the front doors of the Aberdeen Recreation Station.

The most current design is first and needs refinement.

Attachment: Various Sign Designs



627 Laurinburg Road
 Raeford, NC 28376
 (910) 875-6121
 (800) 622-2431
 (910) 875-7100 FAX
 info@parishsigns.com
 www.parishsigns.com

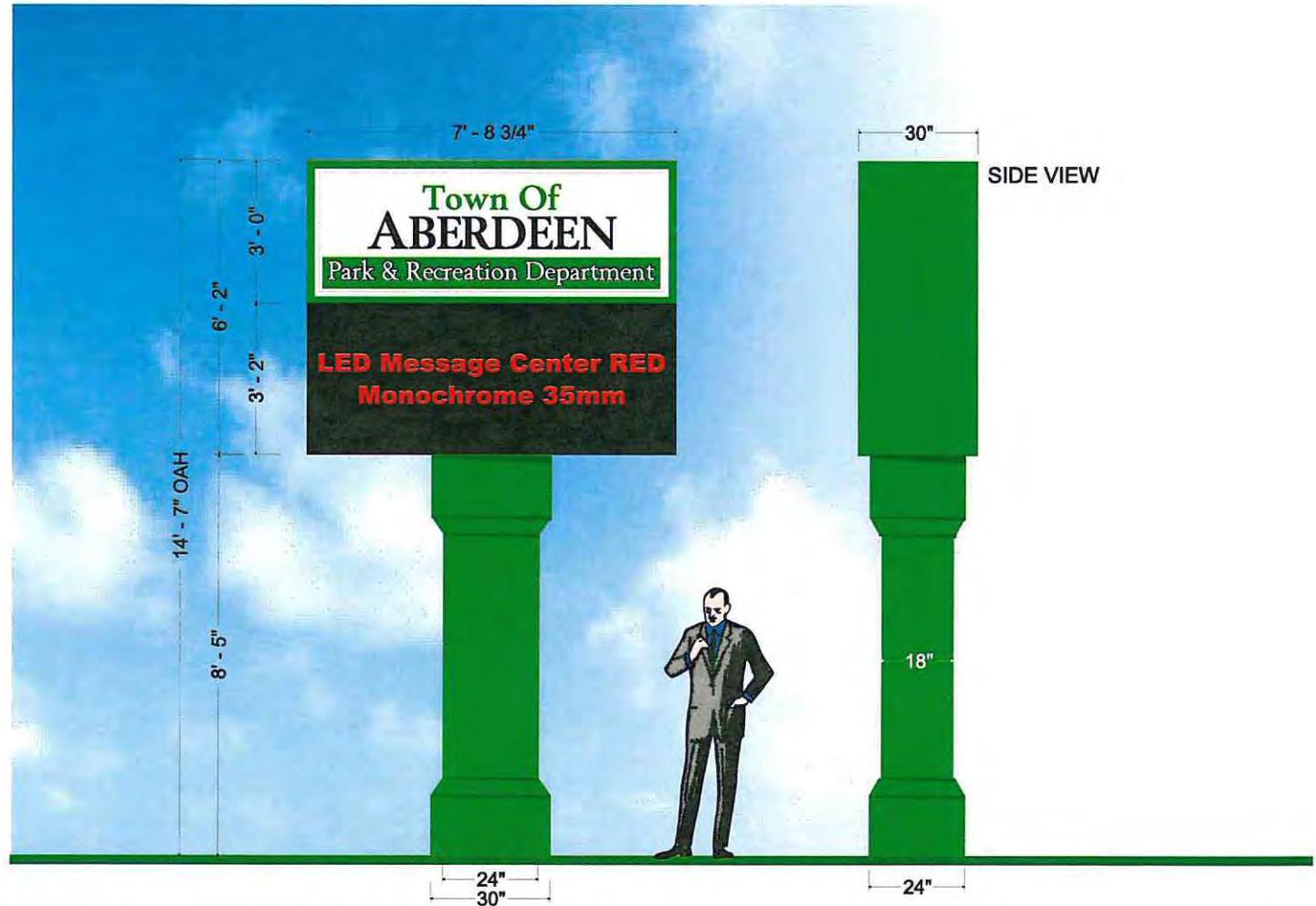
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SPECIFICATIONS

TYPE OF SIGNAGE	TYPE OF FACES
INTERNALLY ILLUMINATED DOUBLE FACE SINGLE POLE SIGN DECORATIVE TOP	PAN FACE MAIN ID LED MESSAGE CENTER
FACE MATERIAL/COLORS	CABINET COLORS/MATERIALS
TOWN OF GREEN COPY *ABERDEEN* BLACK COPY *PARK & ...* WHITE COPY WITH BLACK OUTLINE IN GREEN FIELD WHITE BACKGROUND WHITE IN ROLL	CONSTRUCTED OF ALUMINUM CABINET AND POLE PAINTED GREEN
TYPE OF ILLUMINATION	RETURN COLORS
FLUORESCENT LAMPS	NA
NEON COLORS	TRIM COLORS
NA	NA
MISCELLANEOUS	RACEWAY COLORS
NA	NA

FACE VIEW OF SIGNAGE WITH DIMENSIONS



notes:

JOB NAME: TOWN OF ABERDEEN PARKS
LOCATION: ABERDEEN, NC
CUSTOMER: LEIGH BAGGS
SALESMAN: MICHAEL BASSETT
DRAWING #: 071610-TOAP
FILENAME: TOWNOFABERDEENPARKS.F5

designer: CJ5
 date: 07/16/10
 revisions: 04/21/11

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Customer's Approval _____
 Signature _____ Date _____



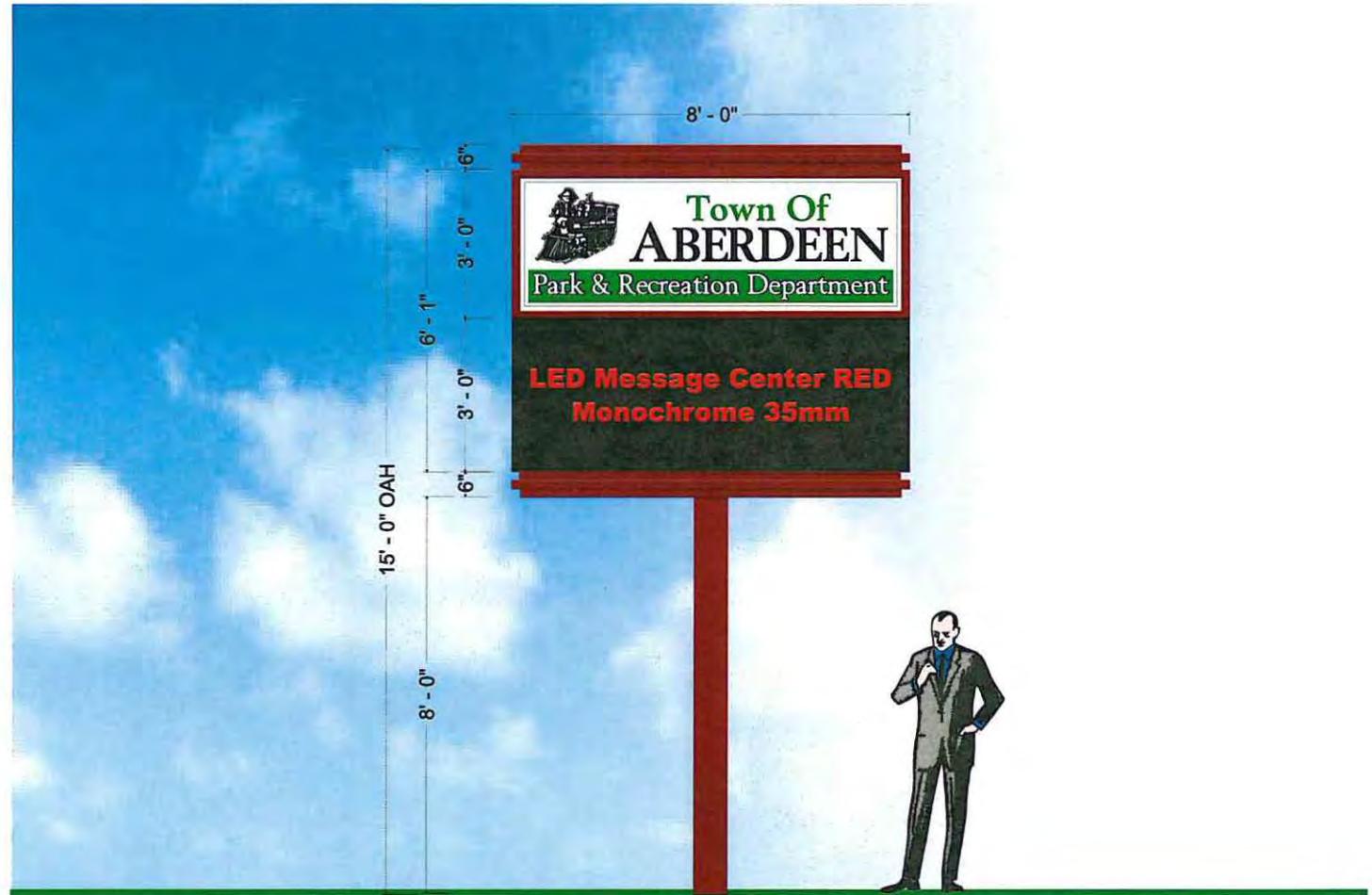
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TYPE OF ILLUMINATION	RETURN COLORS
FLUORESCENT LAMPS	NA
NEON COLORS	TRIM COLORS
NA	NA
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FACE VIEW OF SIGNAGE WITH DIMENSIONS



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designer: CJS
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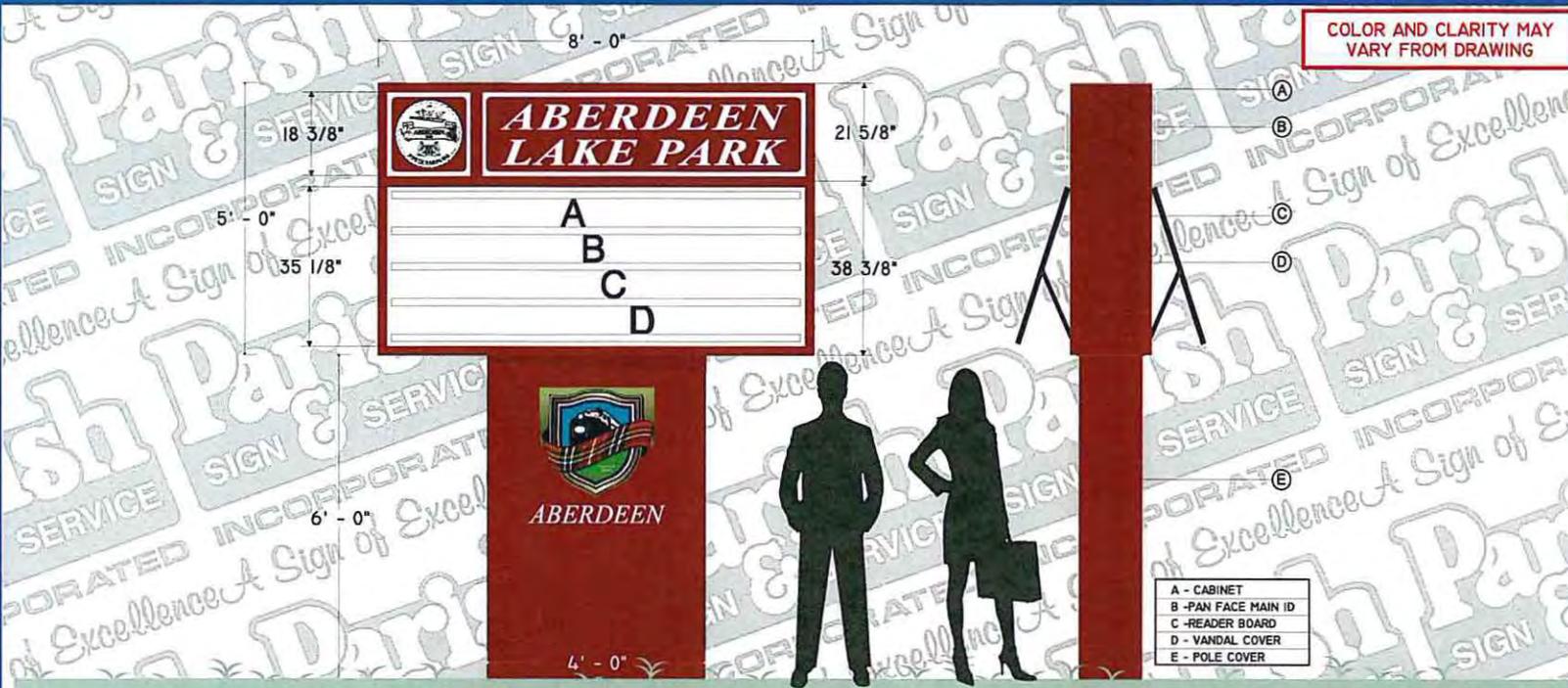
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FACE VIEW OF SIGNAGE WITH DIMENSIONS



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INFO@PARISHSIGNS.COM WWW.PARISHSIGNS.COM

SPECIFICATIONS

JOB NAME:	ABERDEEN PARKS & REC
LOCATION:	ABERDEEN, NC
CUSTOMER:	LEIGH BAGGS
SALESMAN:	MICHAEL BASSETT
DRAWING #:	060313-AP&R
FILENAME:	ABERDEENPARKS&REC.FS
DESIGNER:	BJH
DATE:	06/03/13
REVISIONS:	06/04/13

CUSTOMER APPROVAL:

DATE:

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- APPROVED AS NOTED
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BEFORE:

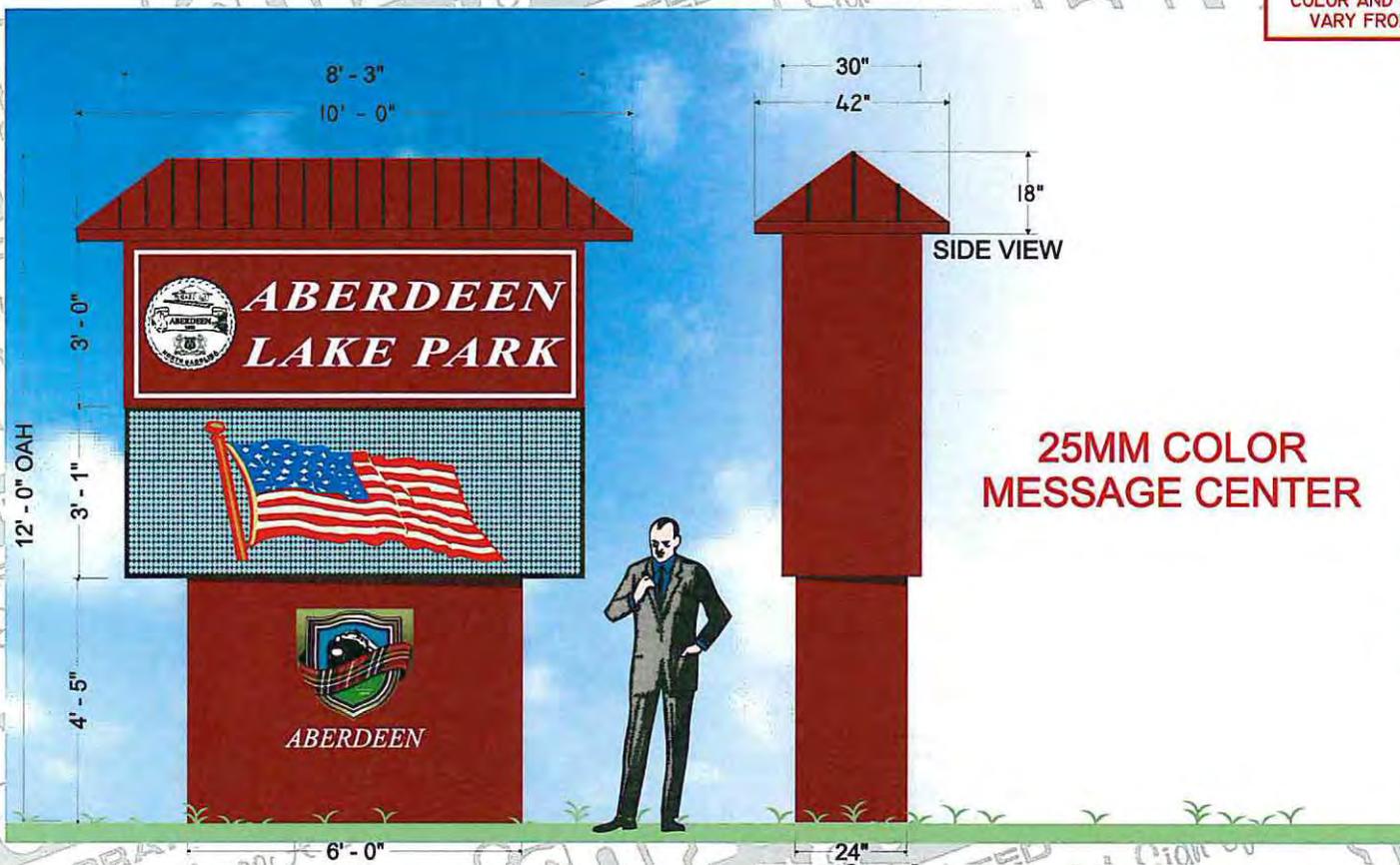


PROPOSED:

TYPE OF SIGNAGE: INTERNALLY ILLUMINATED, DOUBLE FACE, SINGLE POLE DOUBLE FACED SIGNAGE.
 MAIN ID FACE TO BE PAN PLEXIGLAS WITH WHITE COPY AND BURGUNDY BACKGROUND
 READER BOARD TO BE FLAT WHITE PLEXIGLAS WITH (4) LINES OF 6" COPY
 ADDED LEXAN VANDAL COVER
 CABINET AND POLE COVER CONSTRUCTED OF ALUMINUM TO BE PAINTED HOUSE BURGUNDY
 POLE COVER TO HAVE ADDED VINYL TO INCLUDE: DIGITALLY PRINTED "Logo" AND WHITE VINYL COPY "ABERDEEN" & "30"
 ILLUMINATION IS TO BE OF FLUORESCENT LAMPS

- 3M 3630-49 BURGUNDY
- 3M 3630-20 WHITE

FACE VIEW OF SIGNAGE WITH DIMENSIONS



COLOR AND CLARITY MAY VARY FROM DRAWING

25MM COLOR MESSAGE CENTER



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JOB NAME:	ABERDEEN LAKE PARK
LOCATION:	ABERDEEN, NC
CUSTOMER:	LEIGH BAGGS
SALESMAN:	MICHAEL BASSETT
DRAWING #:	110713-ALP
FILENAME:	ABERDEENLAKEPARK.FS
DESIGNER:	<i>CJS</i> SMS
DATE:	11/07/13
REVISIONS:	11/18/13 01/09/14

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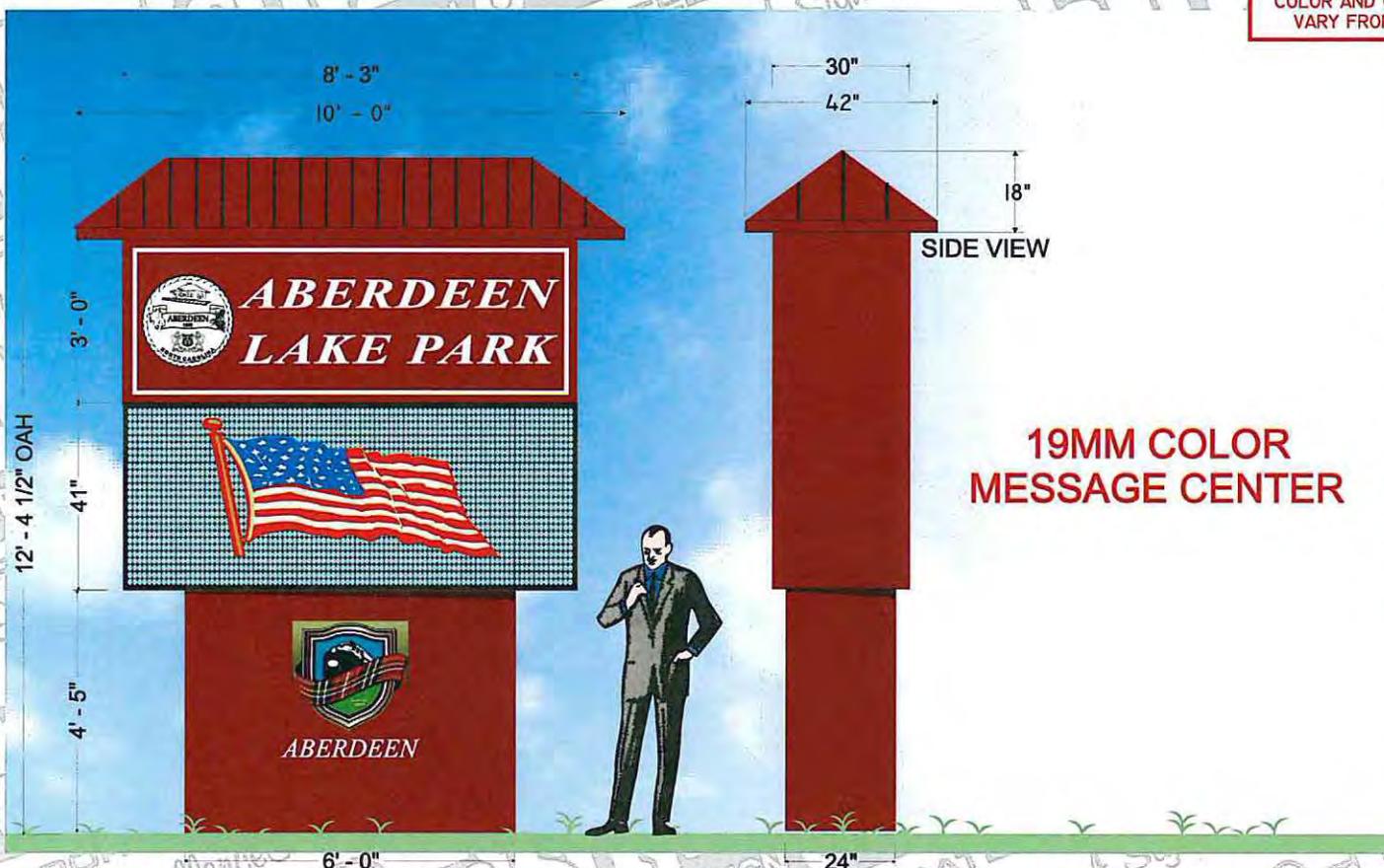
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TYPE OF SIGNAGE: INTERNALLY ILLUMINATED, DOUBLE FACE, SINGLE POLE
 MAIN ID FACE TO BE PAN PLEXIGLAS WITH WHITE COPY AND BURGUNDY BACKGROUND WHITE IN ROLL
 LOGO DIGITALLY PRINTED
 25MM COLOR MESSAGE CENTER
 CABINET AND POLE COVER CONSTRUCTED OF ALUMINUM TO BE PAINTED HOUSE BURGUNDY
 POLE COVER TO HAVE ADDED VINYL TO INCLUDE: DIGITALLY PRINTED "LOGO" AND WHITE VINYL COPY "ABERDEEN"
 ILLUMINATION IS TO BE OF FLUORESCENT LAMPS
 ROOF ADDED TO TOP OF CABINET

- 3M 3630-49 BURGUNDY
- 3M 3630-20 WHITE

FACE VIEW OF SIGNAGE WITH DIMENSIONS



COLOR AND CLARITY MAY VARY FROM DRAWING

19MM COLOR MESSAGE CENTER

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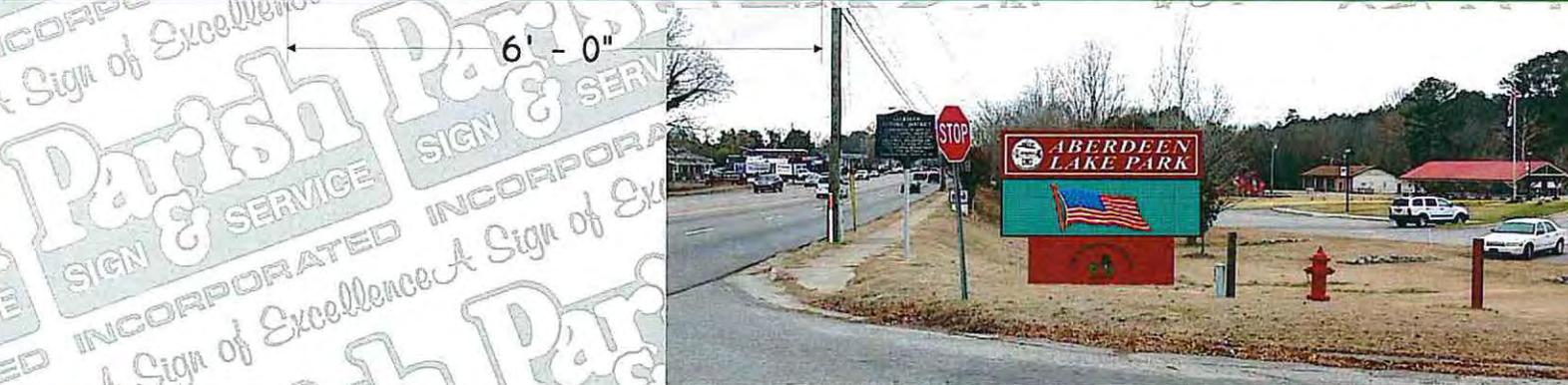
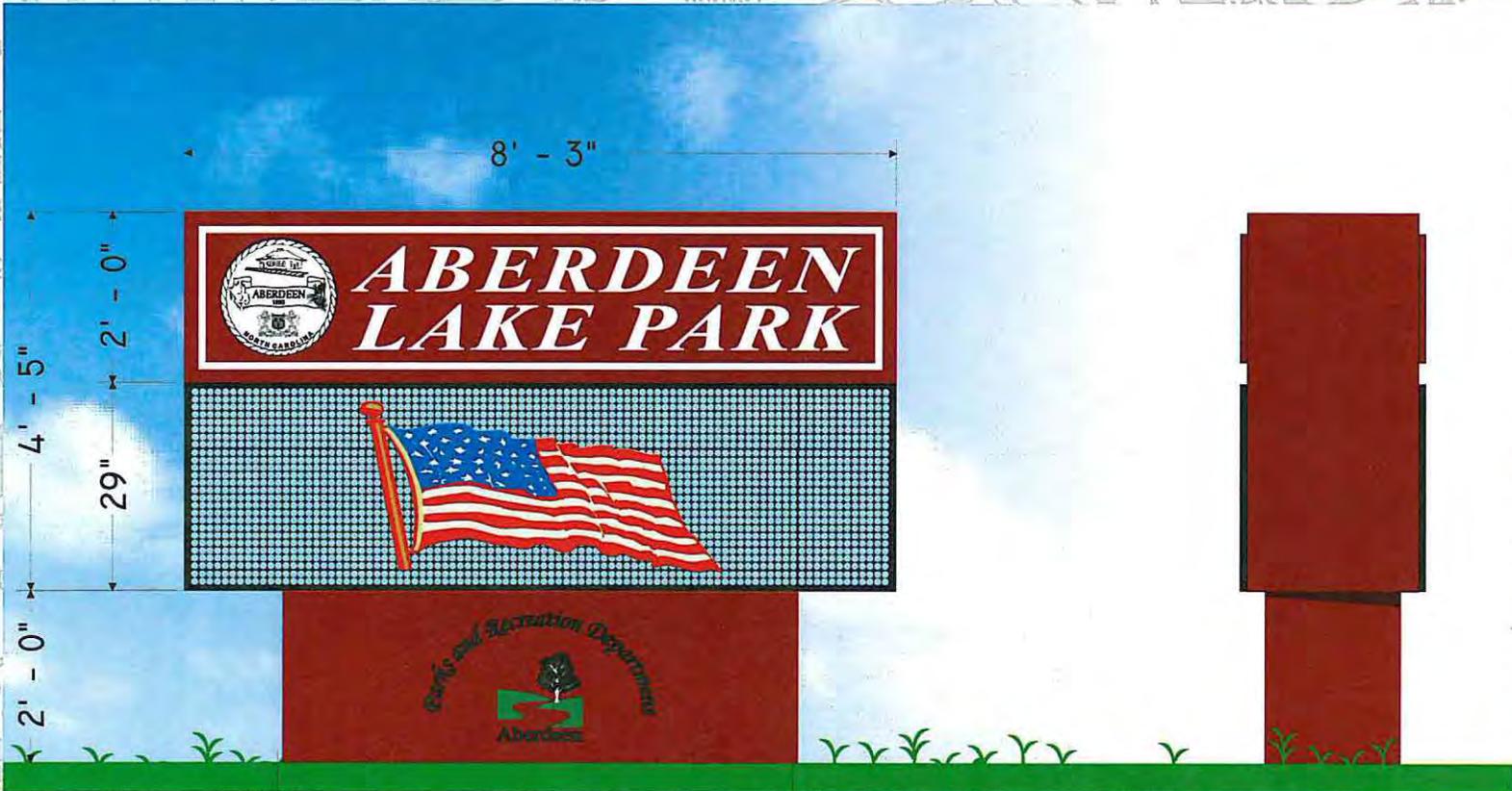
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FACE VIEW OF SIGNAGE WITH DIMENSIONS

COLOR AND CLARITY MAY VARY FROM DRAWING



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 LOGO DIGITALLY PRINTED
 19MM COLOR MESSAGE CENTER
 CABINET AND POLE COVER CONSTRUCTED OF ALUMINUM TO BE PAINTED HOUSE BURGUNDY
 POLE COVER TO HAVE ADDED VINYL TO INCLUDE:BLACK, GREEN, AND WHITE COPY
 ILLUMINATION IS TO BE OF FLUORESCENT LAMPS

- 3M 3630-49 BURGUNDY
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	03/12/14

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FACE VIEW OF SIGNAGE WITH DIMENSIONS



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25 MM COLOR MESSAGE CENTER



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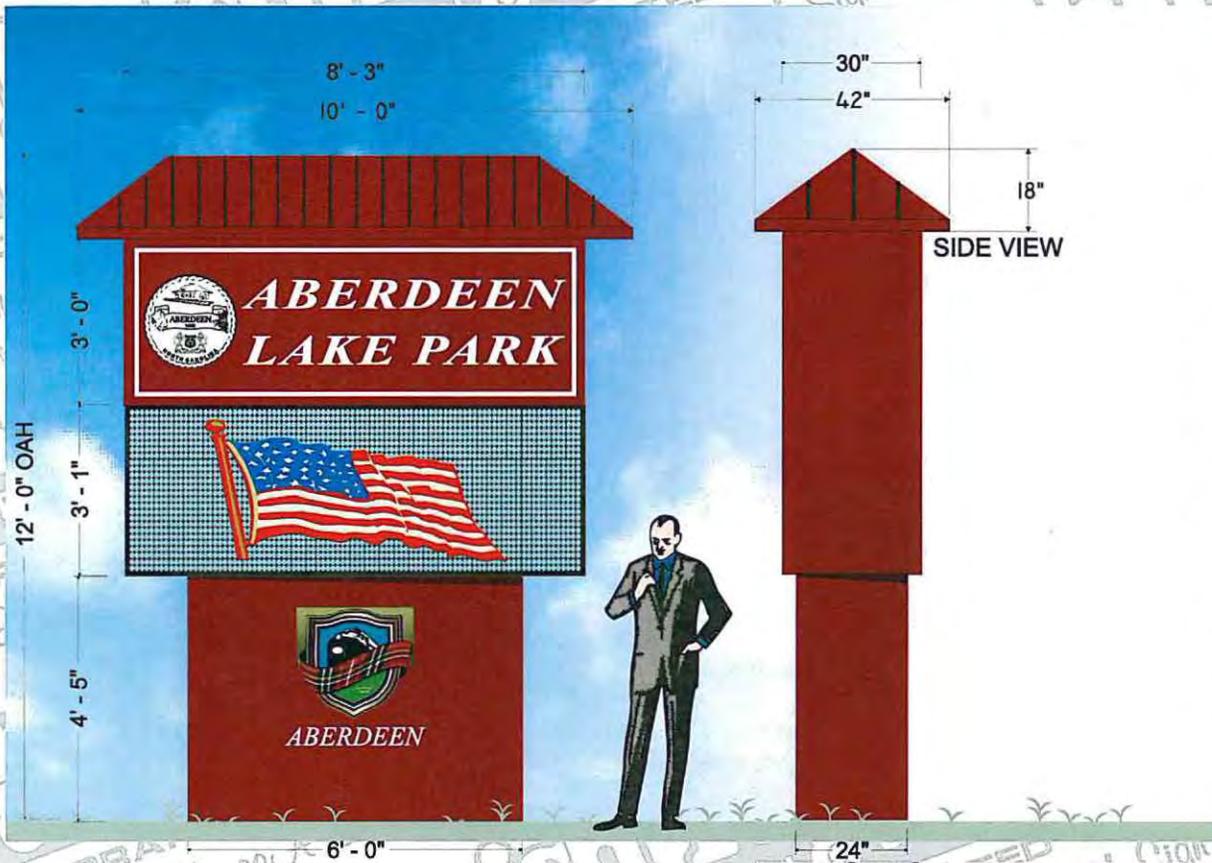
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COLOR AND CLARITY MAY VARY FROM DRAWING

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SPECIFICATIONS

JOB NAME:	ABERDEEN LAKE PARK
LOCATION:	ABERDEEN, NC
CUSTOMER:	LEIGH BAGGS
SALESMAN:	MICHAEL BASSETT
DRAWING #:	110713-ALP
FILENAME:	ABERDEENLAKEPARK.FS
DESIGNER:	CJS/SMS
DATE:	11/07/13
REVISIONS:	11/18/13 01/09/14

CUSTOMER APPROVAL:

- DATE:
- APPROVED AS SHOWN
 - APPROVED AS NOTED
 - CORRECT & RESEND



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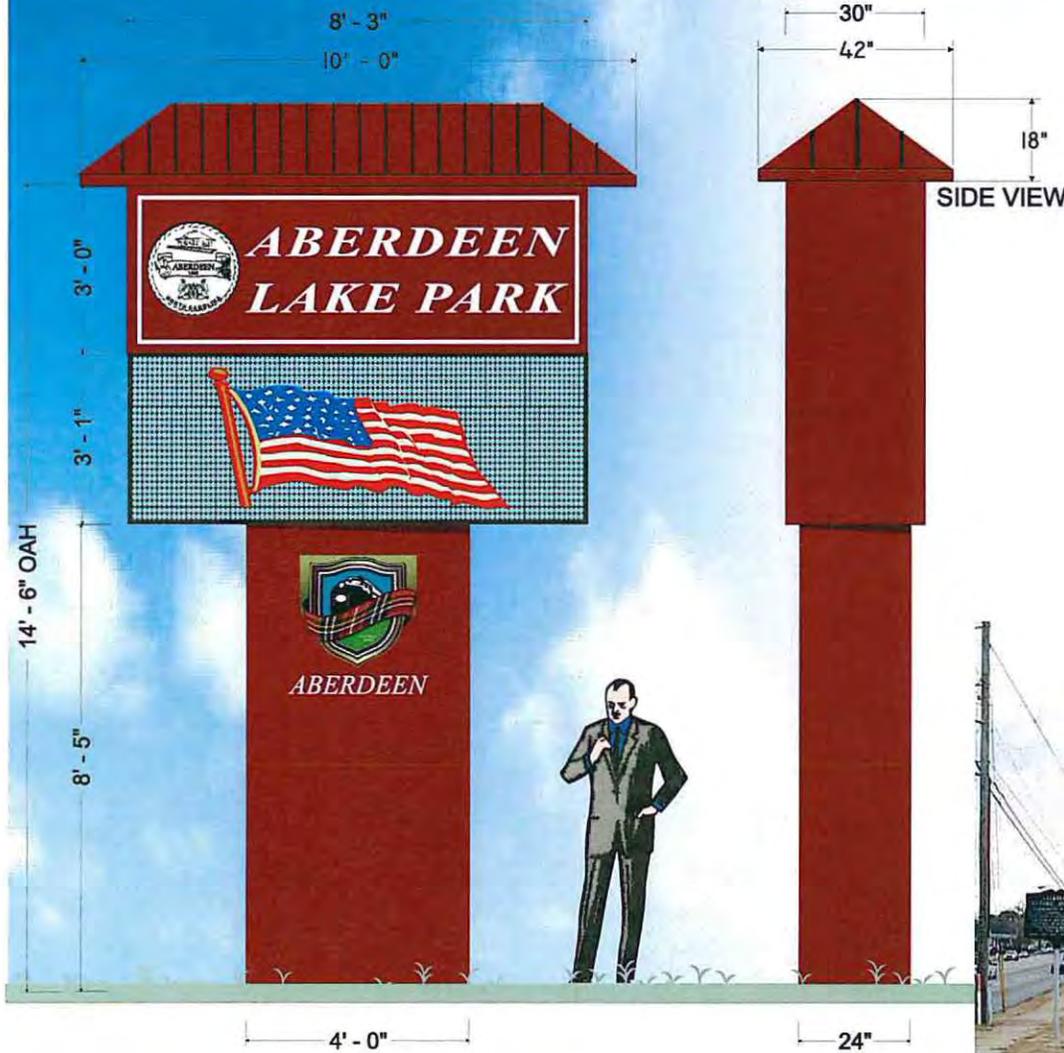
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 LOGO DIGITALLY PRINTED
 25MM COLOR MESSAGE CENTER
 CABINET AND POLE COVER CONSTRUCTED OF ALUMINUM TO BE PAINTED HOUSE BURGUNDY
 POLE COVER TO HAVE ADDED VINYL TO INCLUDE: DIGITALLY PRINTED "LOGO" AND WHITE VINYL COPY "ABERDEEN"
 ILLUMINATION IS TO BE OF FLUORESCENT LAMPS
 ROOF ADDED TO TOP OF CABINET

- 3M 3630-49 BURGUNDY
- 3M 3630-20 WHITE

FACE VIEW OF SIGNAGE WITH DIMENSIONS



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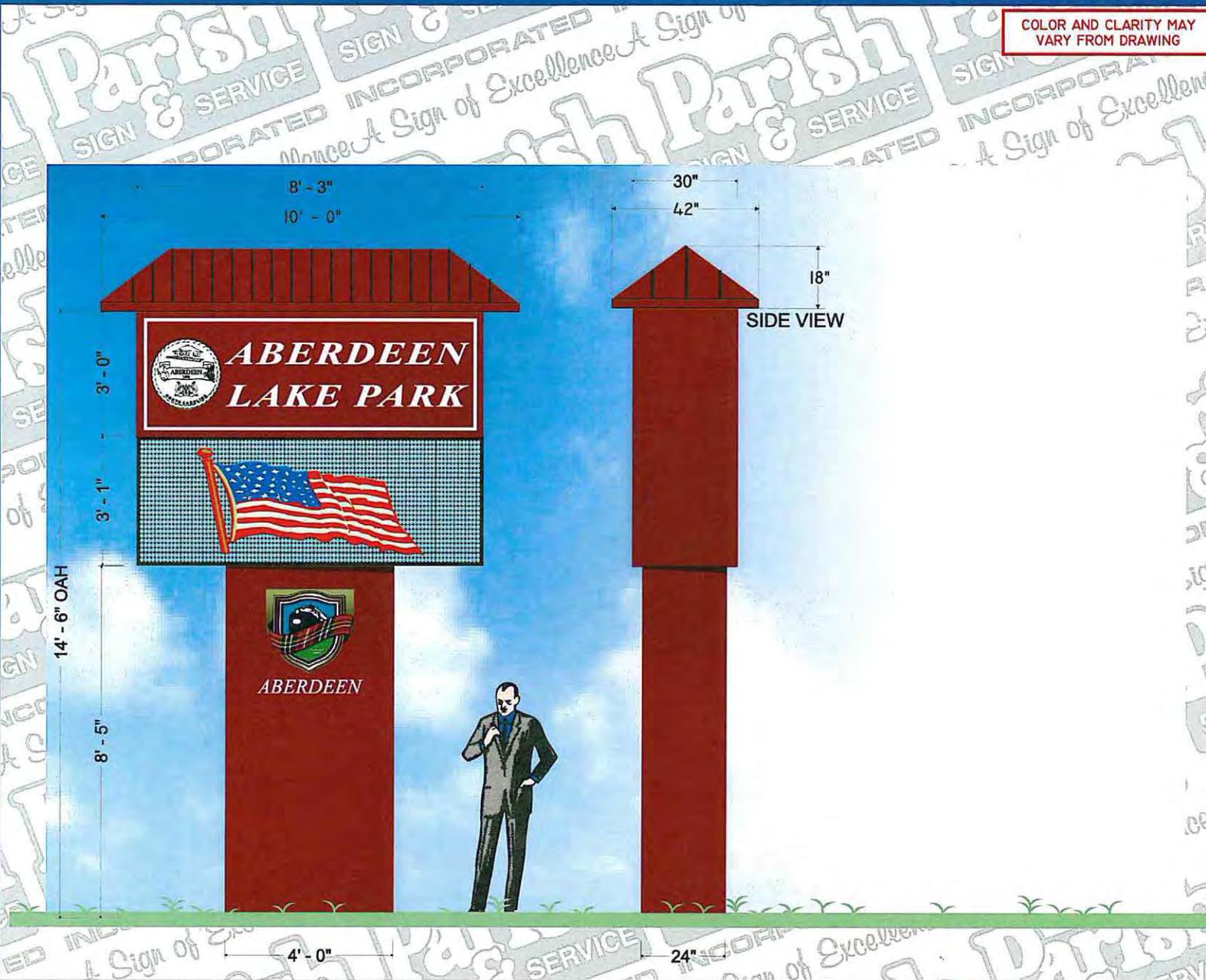
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FACE VIEW OF SIGNAGE WITH DIMENSIONS

COLOR AND CLARITY MAY VARY FROM DRAWING



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Aberdeen Lake Park Sign Design I

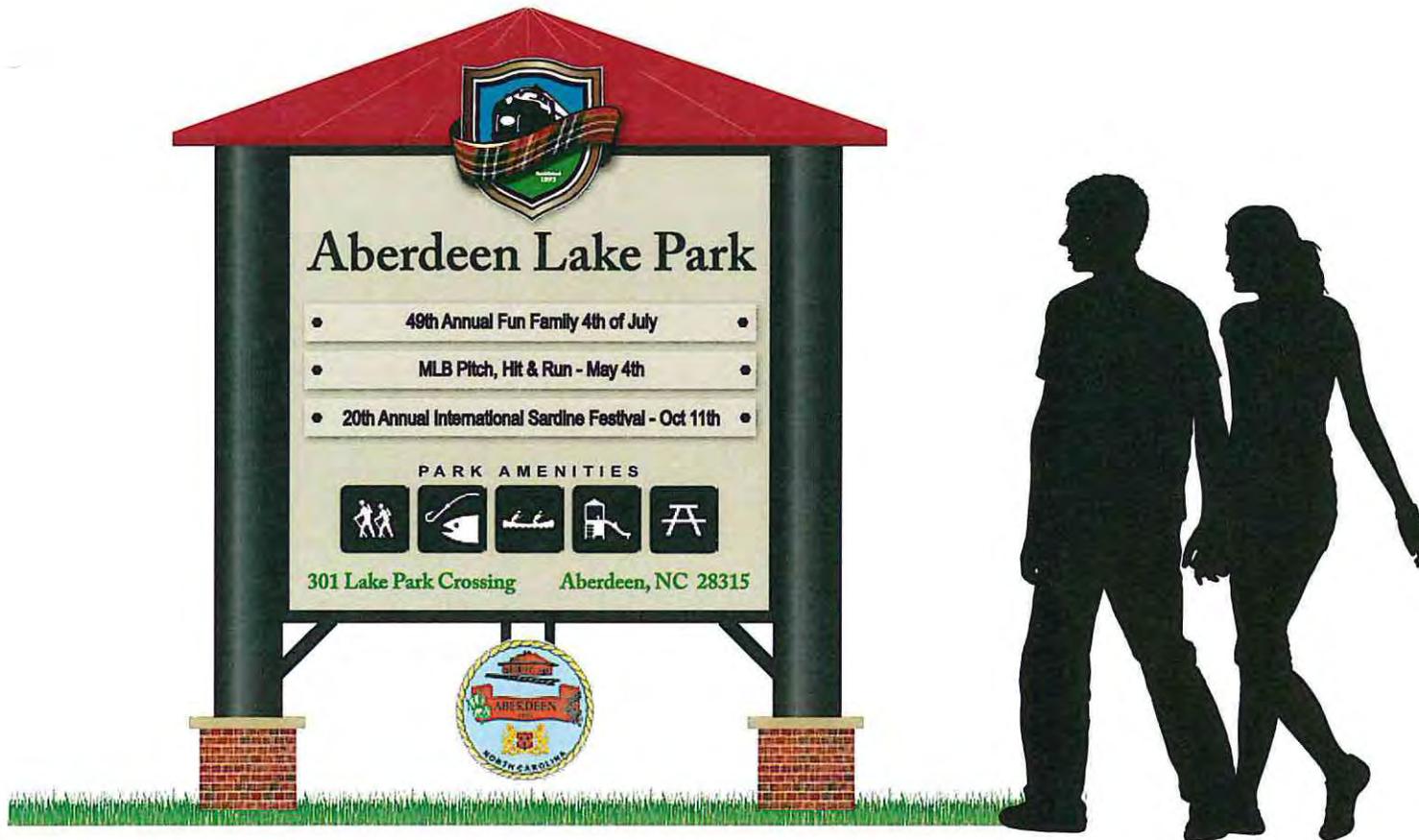


Design I

Aberdeen Lake Park
Leigh Baggs
Parks & Rec Director
910 / 944 / 7275

Design Notes:

- Cap top matches roof of recreation center and picnic shelter.
- Black metal poles match the train-themed railroad playground.
- Park icons displayed inform visitors of all amenities available.
- Depending on the placement, a map of entire park can be placed on the back, pointing out the 2 mile lake trail. Back side can also give information how to rent picnic shelters.



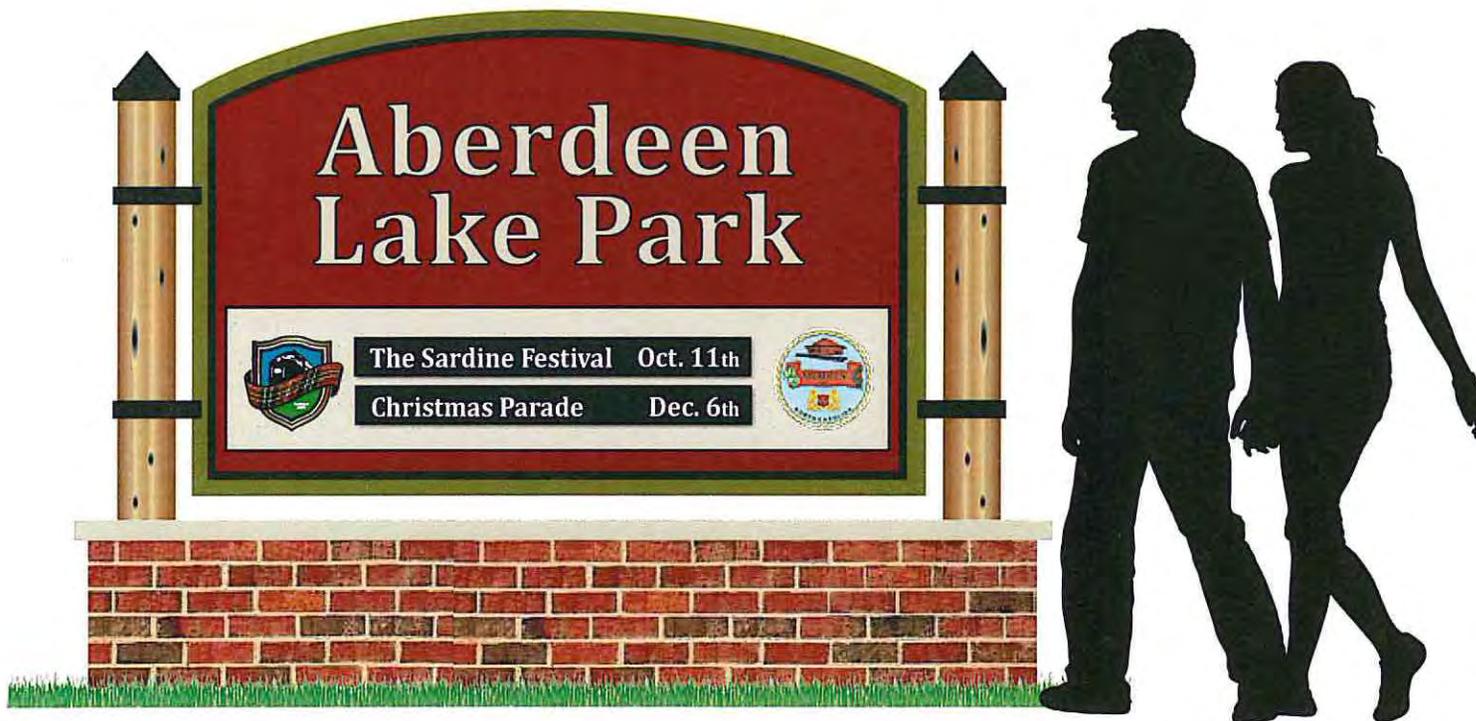
ACSM Inc
Glen Nocik
3638 Tryclan Drive
Charlotte, NC 28217
704 / 617 / 1044

Aberdeen Lake Park Sign Design II



Design II

Aberdeen Lake Park
Leigh Baggs
Parks & Rec Director
910 / 944 / 7275



Design Notes:

- Incorporates natural wood posts to connect to nature.
- Black straps echo railroad ties.
- Black aluminum caps of post match roof pitch of recreation center.
- Displays up to 2 events.
- Brick base can match existing brick of building and picnic shelter.
- Two necessary logos are balanced equally for symmetry.
- Red and green color of sign match Aberdeen's brand colors.

ACSM Inc
Glen Nocik
3638 Tryclan Drive
Charlotte, NC 28217
704 / 617 / 1044

Aberdeen Lake Park Sign Design III



Design III

Aberdeen Lake Park
Leigh Baggs
Parks & Rec Director
910 / 944 / 7275



Design Notes:

- Sign arch echos the arched windows of the recreation center.
- Black aluminum poles matches the train-themed black metal of the playground.
- Display up to 3 upcoming events.
- Brick base can match existing brick of building and picnic shelter.
- Seal to right with QR Code gives important information about park rentals and other amenities available to park visitors. When scanned, smartphone users will be taken directly to Parks & Rec site where they call or email directly for more information or download necessary rental documents.

ACSM Inc
Glen Nocik
3638 Tryclan Drive
Charlotte, NC 28217
704 / 617 / 1044



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: Pam Graham **Department:** Planning

Contact Phone # 944-7024 **Date Submitted:** 3/28/2014

Agenda Item Title: Street Closure for Downtown Festival

Work Session - Board Action (date of meeting should be filled in on line) :
Information Only _____
Public Hearing _____
Approval at work session – immediate action 4/3/2014 _____

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

Summary of Information:

Aberdeen Business Guild is planning their third "Spring Spree" street festival. In 2011 the Board authorized town sponsorship of the event, and our department provided support and assisted with the coordination of street closure and set-up, as well as providing maps for the layout of the event.

Staff will work with Aberdeen Police and Public Works in coordinating the street closure and other logistics to facilitate the event.

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

MEMORANDUM TO THE BOARD OF COMMISSIONERS

From: Pamela Graham, Planning Director
Item: Street Closure for Downtown Festival
Date: April 3, 2014

GENERAL INFORMATION

Request: The Aberdeen Business Guild is planning their third “Spring Spree” street festival, which they hope to make an annual event. In 2011 the Board authorized town sponsorship of the event, and our department provided support and assisted with the coordination of street closure and set up, as well as providing maps for the layout of the event. The Guild has once again requested that the Town be a co-sponsor for this event, and as such, no permits would be required. The festival’s hours of operation are proposed to be 10:00 am to 4:00 pm and will include music and food and craft vendors. The proposed date for the event is Saturday May 17, 2014.

Staff will work with Police Chief Wenzel as needed and he will coordinate with NCDOT regarding street closures. We will also be coordinating with Public Works for use of signs, trash receptacles, and/or barricades to facilitate the event.

Recommendation: Staff recommends that the Board authorize Planning Staff to serve as the lead for coordinating the Town’s participation, for the Town to serve as a co-sponsor for this event, and for the proposed street closure as indicated on the attached map.

SPRING SPREE 2014 DOWNTOWN ABERDEEN, NC VICINITY MAP

— Street Closures

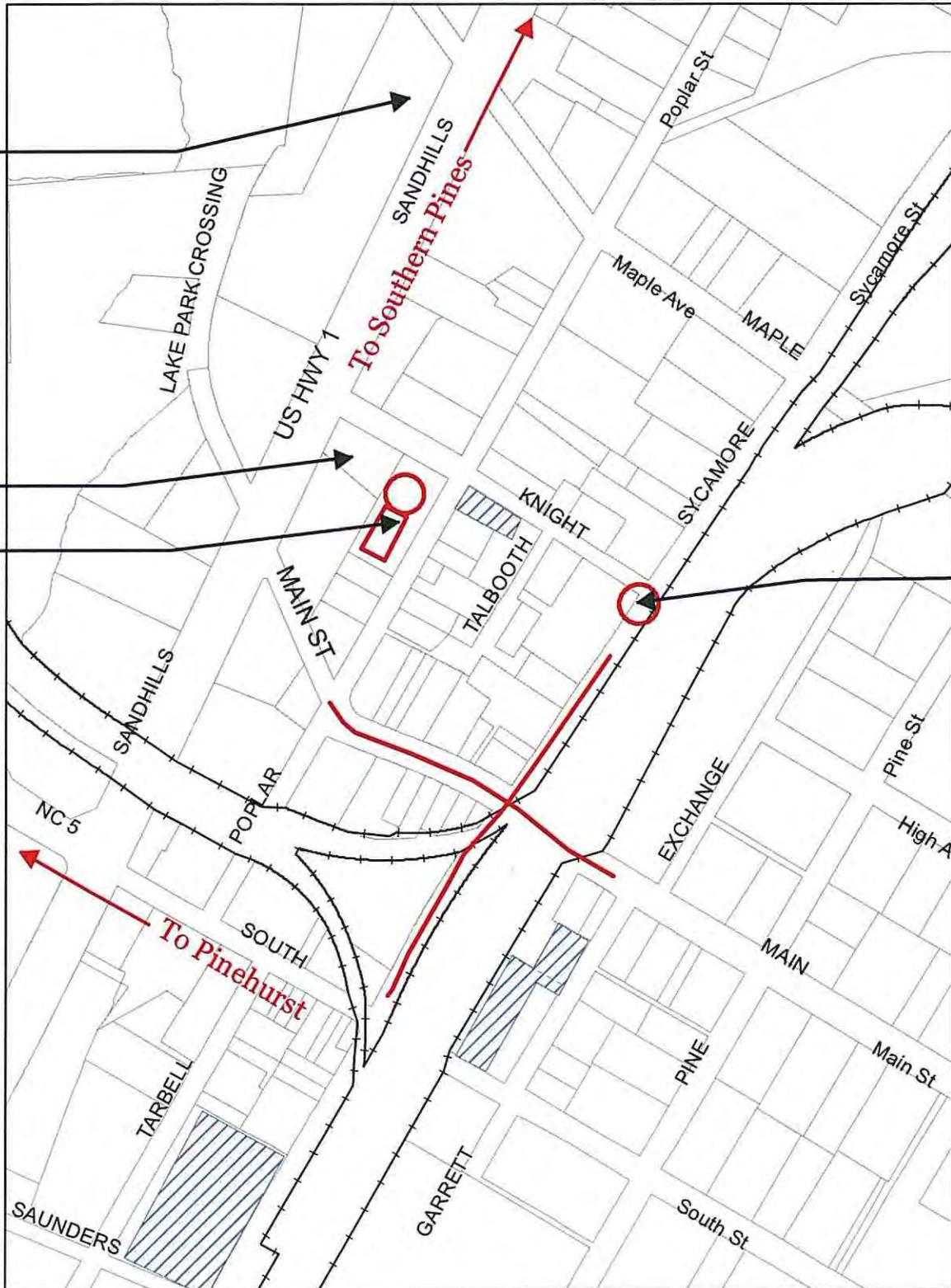
 Parking For Vendors
(Limited Shuttle Service Available)

Aberdeen Lake Park

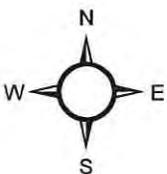
Farm Bureau Office

Town Hall

Check-in Tent



Vendors check in at corner of Sycamore and Knight Streets
In front of Davenport's Grocery (177 N Sycamore St)



MEMORANDUM TO THE BOARD OF COMMISSIONERS

From: Pamela Graham, Planning Director
Date: April 3, 2014
Subject: Rezoning RZ#14-01

REQUEST

RZ #14-01 is a town-sponsored rezoning request to rezone properties along Keyser Street, identified by PID #s 00050820, 00992183, 00053087, and 00055370 from R10-10 to B-3 Neighborhood Transitional District.

BACKGROUND

Staff has been in discussion with the owner of a residence located at 311 Keyser Street, Mrs. Lillian Seagraves and her son Chauncey, regarding opportunities for permitting low volume retail uses at the property. As this section of Keyser Street is zoned R10-10, uses other than residential are limited, and retail uses are not allowed. However, the property's proximity to NC Highway 211, and to other non-residential uses including a church and public school, may make it a good candidate for a wider range of allowable uses by creating opportunities for available services to the neighborhood. Aberdeen's UDO provides for this type of range in our B-3 Neighborhood Transitional District, defined as: "a business district which provides adequate protection for adjacent or nearby established residential neighborhoods ... (and) serves to create a buffer of less dense business uses between established residential neighborhoods and areas of heavy commercialization. Uses in this district should be harmonious with nearby residential uses." An additional consideration is that the residence formerly supported a beauty shop, operated by Mrs. Seagraves. The use no longer retains its "grandfathered" status due to it being discontinued for a period greater than 180 days.

ANALYSIS

The four properties included in this request are all currently vacant with the exception of the Seagraves residence. The St. Joseph AME Church was formerly located on the parcel to the north of the Seagraves' property, but was demolished in 2012 following years of problems resulting from damage to the structure during Hurricane Fran in 1996. Sandhill United Church of Christ occupies property approximately 170' to the south, with two single family residences filling the space between. Immediately adjacent to the east is a 2.23 acre parcel owned by Sandhill United Church of Christ and two single family dwellings that front on Seagraves Street and accessed by Bethune Avenue. The area abuts R10-10 properties on all sides but includes a single O-I (Office & Institutional) zoned property approximately 650' to the south where Jones & Little Funeral Home operates, and vacant B-2 zoned properties approximately 200' to the north, which front on Highway 211. Though many residentially zoned properties still exist along 211, the future land uses and zoning along 211 will likely transition to commercial over time. The B-3 district may serve as an appropriate buffer between the more intense uses adjacent to the

highway and land that is expected to remain residential as you move farther from the highway corridor.

Zoning considerations must address the potential for the decision to be classified as “spot zoning”. While not illegal in North Carolina, spot zoning must be clearly supported by a reasonable basis in order to withstand a legal challenge.

In the 1972 *Blades v. City of Raleigh* spot zoning case, the following definition offered some clarification to what constitutes spot zoning:

A zoning ordinance, or amendment, which singles out and reclassifies a relatively small tract owned by a single person and surrounded by a much larger area uniformly zoned, so as to impose upon the smaller tract greater restrictions than those imposed upon the larger area, or so as to relieve the small tract from restrictions to which the rest of the area is subjected, is called "spot zoning."

First among the Board’s decisions is if this rezoning request could be considered spot zoning according to the definition in the previous paragraph. If the answer is yes, or potentially yes, then the justification of a favorable decision on the rezoning must be considered. Professor and Attorney David Owens, considered a foremost authority on land use law in North Carolina, addresses spot zoning in depth in two articles/blog posts. A summary of relevant information is provided below.

A local government adopting a "spot" zone has an affirmative obligation to establish that there is a reasonable public policy basis for doing so. Thus the public hearing record should reflect consideration of legitimate factors for differential zoning treatment of the property involved. Does the property have different physical characteristics that make it especially suitable for the proposed zoning, such as peculiar topography or unique access to roads or utilities? Are there land uses on or in close proximity to the site that are different from most of the surrounding property? Would the proposed range of newly permissible development be in harmony with the legitimate expectations of the neighbors?

If there is a reasonable basis for treating particular property differently from nearby or similar property, that should be enough to support the validity of the zoning. In cases where rezonings were not upheld by the courts, the rezoning was determined to have minimal benefit to the public and substantial detriment to neighbors.

In sum, the heightened scrutiny of spot zoning applies when there is the appearance of possible discriminatory treatment (either favorable or negative) for a few, rather than a decision based on the larger public interest.

Professor Owen also cites the 1988 *Chrismon v. Guilford County* in his advice for governing bodies when considering rezoning requests, stating that the burden is on the local government to make a case for the “reasonableness” of the rezoning:

Among the factors ... are the size of the tract in question; the compatibility of the disputed zoning action with an existing comprehensive zoning plan; the benefits and detriments resulting from the zoning action for the owner of the newly zoned property, his neighbors, and the surrounding community; and the relationship between the uses envisioned under the new zoning and the uses currently present in adjacent tracts.

Further analysis of the four criteria outlined in the *Chrismon* case are as follows:

1. *The size of the tract in question:* The first factor to be considered in determining whether spot zoning is reasonable is the size of the tract. The general rule is that the smaller the tract, the more likely the rezoning will be held invalid. However, it is very important to consider the size of the tract in context: a 1-acre parcel may be considered large in an urban area developed in the 1920s, but very small in the midst of an undeveloped rural area.

The total acreage included in this rezoning request is 1.28 acres.

2. *Compatibility with the Land Development Plan:* The second factor in a spot zoning analysis is compatibility with the existing comprehensive zoning plan. This involves an inquiry into whether the rezoning fits into a larger context involving rational planning for the community. Whether set forth in a formal comprehensive land-use plan or reflected in an overall zoning scheme, zoning regulations must be based on an analysis of the suitability of the land for development (e.g., topography, soil types, wetland locations, and flood areas), the availability of needed services (e.g., water, sewers, roads, and rail lines), and existing and needed land uses. To the extent that a small-area rezoning fits into a logical preexisting plan that is clearly based on this type of analysis, it is much more likely to be upheld.

Consistency with the adopted plans are addressed further in the following section; however, staff recognizes the likelihood of the Keyser Street corridor transitioning to a mix of residential and non-residential uses over time and community related needs that will be addressed in our update to the Land Use Plan, currently being drafted.

3. *Benefits and Detriments:* The third factor in spot zoning analysis is who benefits and who is harmed by the rezoning and what the relative magnitude of each consequence is. If the rezoning is granted, will it greatly benefit the owner? Will he or she be seriously harmed if it is denied? The same questions must be asked for the neighbors and the community at large, and then the effects on all three must be balanced. In a spot zoning challenge the courts, rather than the governing board alone, review and weigh the balance of harm and benefit created by the rezoning. Although the court may be sympathetic to a situation in which there is considerable benefit to the owner and only modest harm to others, even a substantial benefit for the owner will not offset substantial harm to others.

The proposed rezoning can be expected to provide more benefit than harm to both the property owners directly affected by the decision as well as the immediately adjoining properties and the overall community. The increased range of allowable uses provided in the B-3 district allow for opportunities for businesses that offer services and needs to the community. Among those are nursing and day care facilities, offices, low volume retail and restaurants.

4. *Relationship of Uses:* The fourth factor in spot zoning analysis is the relationship between the proposed uses and the current uses of adjacent properties. The greater the disparity, the more likely the rezoning is to be held illegal.

Current uses on immediately adjoining properties are largely residential in character. The transitional type uses allowed in the B-3 district do not represent a substantial disparity from residential uses. A breakdown of the allowable uses in the B-3 district, as reflected in the UDO's Table of Permissible Uses is attached to this document. Only permitted uses are shown in the attachment, for a full list of both permitted and non-permitted uses, please refer to §152-146 Table of Permissible Uses, of the UDO.

CONSISTENCY WITH FUTURE LAND USE MAP AND LAND DEVELOPMENT PLAN

The Future Land Use Map identifies these parcels for residential use while recognizing commercial uses that currently exist in the vicinity. Though the B-3 District allows for residential uses, it additionally allows for a range of activities not available to R10-10 zoned properties, such as low-volume retail, offices, restaurants, and community centers.

Professor Owen specifically addresses instances where the rezoning proposal differs from a land use plan that calls for a different development pattern, stating that:

The board needs to discuss how this rezoning is justified when the land use plan calls for a different development pattern. The land use plan is not binding and does not prevent approval. But the inconsistency must be acknowledged and discussed. If the board decides to go forward with the rezoning, the board needs to explain why it considers this to be in the public interest, being careful to touch on all of the points mentioned by the court in the Chrismon case. Given that the plan calls for a different land use pattern, it will be particularly important for the county to make the case that rezoning the land is indeed reasonable. And it would probably be prudent to update the plan if they conclude the rezoning should be adopted.

IMPACT ON WATER, SEWER AND TRAFFIC

Rezoning these parcels will have a negligible impact on water and sewer, both of which are currently available. A transition from residential to a district that allows for additional uses will likely add traffic to Keyser Street, which is considered a collector street. A collector street is defined in the UDO as: “A street whose principal function is to carry traffic between minor, local, and subcollector streets and arterial streets but that may also provide direct access to abutting properties. It serves or is designed to serve, directly or indirectly, between 100 dwelling units to 400 dwelling units and is designed to be used or is used to carry more than 800 trips per day.”

RECOMMENDATIONS

During their February 26, 2014 meeting, the Planning Board unanimously moved that Rezoning RZ #14-01 was consistent with the 2030 Land Development Plan and recommended approval of RZ #14-01 by unanimous vote with the condition that there be no opposition from the public during the Public Hearing, scheduled for March 10th. During the Public Hearing, Reverend Bolden of Saint Joseph AME Church informed the Board that he did not wish to see the church property rezoned. Three of the four properties included in the rezoning request are under ownership of the church. The ability to rebuild a church facility on the property is not impacted by the rezoning. Staff recommends that the Board consider Rezoning RZ #14-01 during the work session and **make one of the following motions.**

FORMAT OF MOTION:

Motion to Approve the Request:

I make a motion that the Board of Commissioners approve the Ordinance amending the Zoning Map reflecting Rezoning RZ#14-01, or

Motion to Deny the Request:

I make a motion that the Board of Commissioners deny RZ#14-01. [The reason for the denial should be indicated].

From Appendix A of the Land Development Plan

(C) The Aberdeen Planning Board and Board of Commissioners should consider the following during the deliberation of all zoning requests:

(1) All uses which are allowed in a zoning district must be considered. A decision to re-zone or not to re-zone a parcel or parcels of property cannot be based on consideration of only one use or a partial list of the uses allowed within a zoning district.

(2) Zoning decisions will not be based on aesthetic considerations.

(3) Requests for zoning changes will not be approved if the requested change will result in spot zoning. Spot zoning is a form of discriminatory zoning whose sole purpose is to serve the private interests of one or more landowners instead of furthering the welfare of the entire community as part of an overall zoning plan. Although changing the zoning classification of any parcel of land to permit a more intensive use could possibly constitute spot zoning, the test lies in its relationship to the existing zoning pattern and guidelines of the local land use plan. Spot zoning is based on the arbitrary and inappropriate nature of a re-zoning change rather than, as is commonly believed, on the size of the area being re-zoned.

(4) Zoning which will result in strip development will be discouraged. Strip development is a mélange of development, usually commercial, extending along either side of a major street. Strip development is often a mixture of auto-oriented enterprises (e.g., gas stations, motels, and food stands), truck-dependent wholesale and light industrial enterprises along with the once-rural homes and farms that await conversion to commercial use. Strip development may severely reduce traffic-carrying capacity of abutting streets by allowing for excessive and conflicting curb cuts.

(5) The concept of uniformity will be supported in all zoning deliberations. Uniformity is a basic premise of zoning which holds that all land in similar circumstances should be zoned alike; any different treatment must be justified by showing different circumstances.

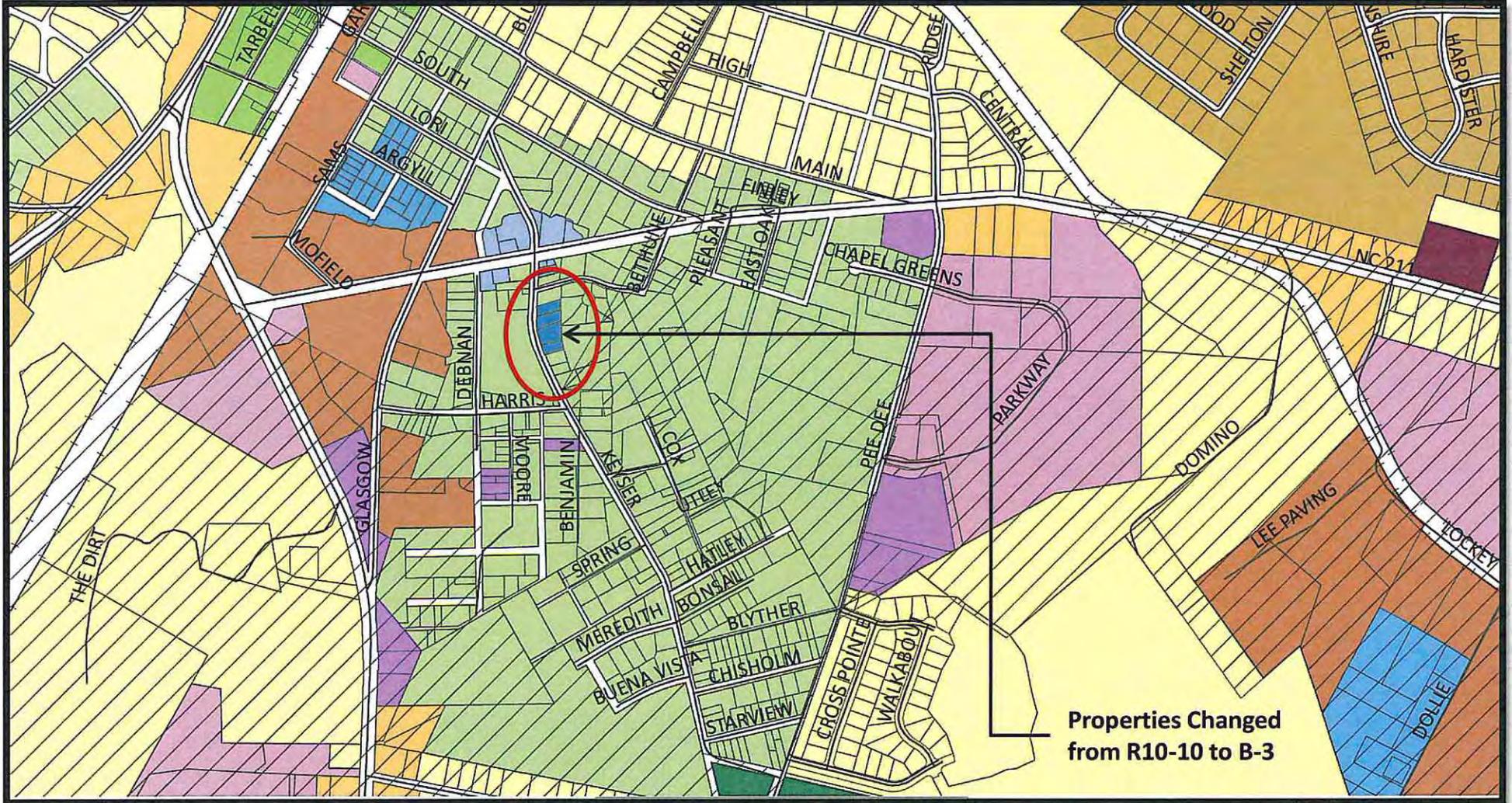
(6) Zoning regulations will be made in accordance with the Town of Aberdeen Comprehensive Plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and

encouraging the most appropriate use of land throughout Aberdeen's planning jurisdiction.

(7) Specifically, the Planning Board and Board of Commissioners should ask the following questions:

- (a) Does Aberdeen need more land in the zone class requested?
- (b) Is there other property in the town that might be more appropriate for this use?
- (c) Is the request in accordance with the Town of Aberdeen land use plan?
- (d) Will the request have a serious impact on traffic circulation, parking space, sewer and water services, and other utilities?
- (e) Is there a good possibility that the request, as proposed, will result in lessening the enjoyment or use of adjacent properties?
- (f) Will the request, as proposed, cause serious noise, odors, light, activity, or unusual disturbances? Do standards exist to govern these disturbances?
- (g) Does the request raise serious legal questions such as spot zoning hardship, violation of precedents, or need for this type of use?

Keyser Street – Changes in Zoning per Approval of RZ #14-01



Properties Changed from R10-10 to B-3

Zoning Districts

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



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:** 3/28/14

Agenda Item Title: Text Amendment UDO #14-01 Regarding Residential District Standards for Garages

Date of Board Meeting to hear this item: 4/3/14

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

Summary of Information:
Public Hearing was held on 3/10 and the proposed amendment is ready for approval by the Board

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

MEMORANDUM TO THE BOARD OF COMMISSIONERS

FROM: Pamela Graham, Planning Director
DATE: April 3, 2014
SUBJECT: UDO Text Amendment UDO #14-01 Regarding Residential District Standards for Garages

REQUEST: Staff has recognized a need for review of our current UDO standards regulating accessory structures, particularly in the manner of addressing vehicle garages in residential districts. The attached draft text amendment has been prepared to address these issues.

BACKGROUND: The Unified Development Ordinance currently includes standards for accessory buildings that do not differentiate residential garages from other types of accessory structures such as storage sheds. Staff has determined that garage uses may warrant separate treatment with regards to their placement on the property and requests Planning Board consideration of the revisions reflected in the draft amendment.

ANALYSIS: The UDO currently defines Accessory Buildings as: "A minor building that is located on the same lot as a principal building and that is used incidentally to a principal building or that houses an accessory use." As no distinct definition for garages exists, these uses have been treated identically to other types of accessory structures, the most common being storage sheds.

§152-187 of the UDO provides guidance for how all accessory buildings are to be placed on the property, the maximum height allowed for such structures (25'), and the method of calculating their maximum allowable dimensions. Two requirements in particular are considered by staff to be more appropriate for accessory structures other than garages; these are detailed below.

1) The minimum required setback for all accessory buildings is ten (10) feet from any lot line for interior lots and the standard side setback line for corner lots (15' in most residential districts). It is not uncommon for existing storage sheds that have been in place for some time to be located to a rear corner of a lot, often immediately adjacent to the property line or to a fence placed on the line. The UDO's adoption in 2011 imposed a minimal setback of ten (10) feet in most instances that provides some relief to adjoining properties and reduces the chance for property line disputes between neighbors. The typical storage shed footprint in the 10' x 12' range imposes a relatively low impact to neighboring properties and the current setback distance is considered reasonable. However, a standard two-car garage, at a minimum, would require a footprint of twice those dimensions, and is more likely to maximize the allowable height of 25'. A greater setback for garages may be more appropriate to minimize the impact to neighboring properties. The proposed text amendment would impose the standard principal building setback to garages. For most residential districts these setbacks are 35' in the front, 15' each side, and 30' to the rear.

2) Accessory buildings are required to be placed to the rear of the principal building. Restrictions of this type when present in an ordinance are typically applied to accessory

structures other than garages to provide a visual buffer from the street for storage sheds. By applying this restriction to garages, the UDO limits the design relationships between the residence and the garage in ways that may be unintended. It also imposes a restriction on detached garages that does not apply to attached garages, which are often to the side of the residence. When the garage is built after the home has been complete, a detached design is often a more reasonable and less costly option. Furthermore, some homeowners prefer a detached garage, and may or may not make a simple connection between the garage and the home such as a breezeway. The proposed amendment allows for residential garages, defined separately from other types of accessory buildings, to be located within a side yard, but not closer to the frontage street than the home.



This configuration is currently prohibited by the UDO



This configuration would not be permitted by the text amendment

LONG RANGE PLANS: This request is not inconsistent with the 2030 Land Development Plan, the Pedestrian Plan or the Bicycle Plan.

STAFF RECOMMENDATION: Staff recommends that the Board consider attached UDO amendment #14-01 and make the following motions.

Motion 1:

UDO #14-01 is not inconsistent with all adopted plans of the Town of Aberdeen including the 2030 Land Development Plan, the Hazard Mitigation Plan, the Pedestrian Plan and the Bicycle Plan and the Green Growth Tool Box, or

UDO #14-01 is inconsistent with all adopted plans of the Town of Aberdeen including the 2030 Land Development Plan, the Hazard Mitigation Plan, the Pedestrian Plan and the Bicycle Plan and the Green Growth Tool Box.

Motion #2:

The Board (does/does not) recommend the following amendments to the Town of Aberdeen Board of Commissioners to:

- Include a definition: “**Residential Garage**”, §152-15(64).
- Amend “**Accessory Uses**,” §152-150 as indicated in the attached draft text amendment.

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE
WITH REGARD TO ACCESSORY STRUCTURES**

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

Section 1. Aberdeen Unified Development Ordinance § 152-15 is amended to add the following definition:

(64) **Garage, Residential.** A residential accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families residing upon the premises. Residential garages are not intended for the storage of commercial vehicles associated with a business, including a home occupation, or other nonresidential use.

[The remaining definitions are renumbered accordingly.]

Section 2. Aberdeen Unified Development Ordinance § 152-150, "Accessory Uses, is amended is to add the following new subsection (E):

(E) No accessory use or structure will be permitted on a lot without an established principal use. An accessory use or structure shall not be located on a separate lot from the principal use to which it is incidental and subordinate.

Section 3. Town of Aberdeen Unified Development Ordinance § 152-187, "Accessory Building Setback Requirements," is amended as follows:

(A) Accessory buildings other than residential garages shall be located at least ten feet from any lot line. Residential garages shall meet all applicable building setbacks for the district in which the structure is proposed.

(B) Notwithstanding subsection (A), above, when an accessory building is located on a corner lot, the accessory building shall be set back from the side street lot line a distance at least equal to the minimum side yard setback required for the zoning district in which the lot is located. For example, an accessory building located on a corner lot in the R20-16 zoning district must be setback at least fifteen (15) feet from the side street lot line and ten (10) feet from all other lot lines.

(C) All accessory buildings other than residential garages shall be located to the rear of the principal building. A detached accessory building, designed and used as a residential garage, may be located within a side yard. No accessory building, including a residential garage, shall be located between the principal structure's front building wall and the front lot line.

[The remaining subsections have not been amended.]

Section 4. All provisions of any town ordinance or resolution in conflict with this

ordinance are repealed.

Section 5. This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this _____ day of _____, 2014.

Ayes: _____

Noes: _____

Absent or Excused: _____

Dated: _____

Robert A. Farrell, Mayor

Attest:

Regina Rosy, Town Clerk



TOWN OF ABERDEEN AGENDA ITEM ACTION REQUEST FORM

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

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

Contact Phone # 4517 **Date Submitted:** 3/26/14

Agenda Item Title: Text Amendment UDO #14-02 Regarding the Discharge of Firearms within the Town Limits

Date of Board Meeting to hear this item: 4/3/14

Board Action Requested:

New Business	<input type="checkbox"/>	Information Only	<input type="checkbox"/>
Old Business	<input type="checkbox"/>	For Action at Future Meeting	<input checked="" type="checkbox"/> Date <u>4/21/14</u>
Public Hearing	<input type="checkbox"/>	Informal Discussion & Public Comment	<input type="checkbox"/>
Other Business	<input type="checkbox"/>	Consent Agenda	<input type="checkbox"/>

Summary of Information:
Schedule for Public Hearing on 4/21/14.

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

MEMORANDUM TO THE BOARD OF COMMISSIONERS

FROM: Pamela Graham, Planning Director
DATE: April 3, 2014
SUBJECT: Unified Development Ordinance Amendment UDO #14-02 Regarding the Discharge of Firearms within the Town Limits

Aberdeen's UDO does not currently address the category of Shooting Ranges and the discharge of firearms within the corporate limits is only regulated through the Aberdeen Code of Ordinances. Proposals for shooting ranges have been brought to the Planning Department in the past, but have been rejected on the grounds that the Code of Ordinances restricts firearms use in a manner that would not support a facility for this purpose.

In discussions with Police Chief Wenzel regarding a recent proposal, he supported the concept under limited circumstances, and the attached draft UDO Text Amendment was prepared for consideration. Section 1 of the amendment proposes changes to the Aberdeen Code of Ordinances, which does not require a recommendation from the Planning Board. Sections 2 and 3 of the attached text amendment propose changes to our UDO, and therefore do require a recommendation from the Planning Board.

CONSISTENCY WITH LONG RANGE PLANS:

This language is not inconsistent with any adopted plans.

RECOMMENDATIONS:

During their March 20, 2014 meeting, the Planning Board recommended approval of UDO #14-02 by unanimous vote based upon their recommended revisions to the text.

Staff recommends that the Board schedule attached UDO Amendment #14-02 for Public Hearing on April 21, 2014 so that public input can be accepted on the proposal.

Enclosures: Draft UDO Text Amendment #14-02
Attachment "A"

AN ORDINANCE AMENDING THE ABERDEEN CODE OF ORDINANCES AND THE ABERDEEN UNIFIED DEVELOPMENT ORDINANCE WITH REGARD TO THE DISCHARGE OF FIREARMS AND THE USE OR STORAGE OF EXPLOSIVES WITHIN THE ZONING JURISDICTION OF THE TOWN

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

Section 1. Aberdeen Code of Ordinances § 130-04 is amended to read as follows:

§ 130.04 DISCHARGING OR PERMITTING CHILD TO DISCHARGE WEAPONS.

It shall be unlawful for any person to discharge an air rifle, air pistol, air gun, slingshot or any like instrument used to eject a pellet or projectile, to discharge a pistol, rifle, shotgun or other ~~firearm gun~~ within the corporate limits, ~~except a police officer in the performance of his duty or with permission of police or in self-defense or in areas permitting by the Town allowing such action.~~ in the following circumstances:

1. By a police officer acting in the performance of his or her official duties;
2. With the permission of a police officer acting in the performance of his or her official duties;
3. In self-defense;
4. As part of any use authorized by the Aberdeen Unified Development Ordinance.

Section 2. Aberdeen Unified Development Ordinance § 152-15, "Definitions," is amended to add new definitions of "firearm"; "shooting range, indoor"; and "shooting range, outdoor," which are defined as follows:

(60) **Firearm.** In accordance with G.S. § 14-409.39, a firearm is a handgun, shotgun, or rifle which expels a projectile by action of an explosion.

[The remainder of the section is renumbered accordingly.]

(149) **Shooting Range, Indoor.** An area within a building designated and operated for the use of rifles, shotguns, silhouettes, or any other firearm discharge. Skeet shooting, trap shooting and black powder rifle use are not permitted in an indoor shooting range.

(150) **Shooting Range, Outdoor.** An outdoor area designated and operated for the use of rifles, shotguns, silhouettes, skeet trap, black powder, or any other firearm discharge.

[The remainder of the section is renumbered accordingly.]

Section 3. Aberdeen Unified Development Ordinance § 152-146, "Table of Permissible Uses," is amended to add the following new uses:

- 6.170, Indoor Shooting Range, which is permitted with a conditional use permit in the I-H district; and
- 6.270, Outdoor shooting Range, which is not permitted in any Town zoning district.

[These additions to the Table of Permissible Uses are depicted in Attachment A.]

Section 4. Aberdeen Unified Development Ordinance § 152-163.25, "Use and Storage of Explosives," is amended as follows:

§ 152-163.25. Use and Storage of Explosives and Firearms.

(A) The manufacture or storage of explosives as a primary use is prohibited. Explosives may be stored as an accessory use in the C-I and I-H zoning districts, provided that such storage strictly complies with all applicable State and federal requirements, including, but not limited to, 27 C.F.R. Part 555, "Commerce in Explosives"; G.S. § 14-284.1(c); 13 N.C.A.C. 7F .0700, et seq., "Blasting and Use of Explosives"; and the 2009 North Carolina State Building Code, Fire Prevention Code, Chapter 33, "Explosives and Fireworks."

(B) The use of explosives shall be regulated by the Town of Aberdeen Fire Department in accordance with the requirements of the 2009 North Carolina State Building Code, Fire Prevention Code, Chapter 33, "Explosives and Fireworks."

(C) The Police Chief and, if appropriate, the Fire Chief, or their designees, shall review all proposals for uses that will involve the use or storage of explosives or the discharge of firearms. Based on this review, the Police Chief and, if appropriate, the Fire Chief shall prepare a written evaluation of whether the proposed use presents public safety concerns. The evaluation may provide recommendations for ways to mitigate public safety concerns. The evaluation shall be submitted to the Land Use Administrator prior to any required public hearing for the proposed use.

Section 5. All provisions of any town ordinance or resolution in conflict with this ordinance are repealed.

Section 6. This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this _____ day of _____, 2014.

Ayes: _____
Noes: _____
Absent or Excused: _____

Dated: _____

Robert A. Farrell, Mayor

Attest:

Regina Rosy, Town Clerk

ATTACHMENT A

Description	RA	R30-18	R20-16	R18-14	R15-12	R10-10	R6-10	MH	PUD	B-1	HC	GC	B-2	B-3	O-1	C-1	I-H
6.170 Indoor Shooting Range																	Z
6.180 Other Entertainment Establishments											Z						
6.270 Outdoor Shooting Range																	
6.280 Other Entertainment Establishments											Z						



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: 3/26/14

Agenda Item Title: Text Amendment UDO #14-03 With Regard to Cluster Subdivisions

Date of Board Meeting to hear this item: 4/3/14

Board Action Requested:

New Business
Old Business
Public Hearing
Other Business

Information Only
For Action at Future Meeting Date 4/21/14
Informal Discussion & Public Comment
Consent Agenda

Summary of Information:

Schedule for Public Hearing on 4/21/14.

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

MEMORANDUM TO THE BOARD OF COMMISSIONERS

FROM: Pamela Graham, Planning Director
DATE: April 3, 2014
SUBJECT: Unified Development Ordinance Amendment UDO #14-03 With Regard to Cluster Subdivisions

Aberdeen's UDO provides for Single Family Residential Cluster Development as an alternate development option for the following purposes:

- 1) To promote a more efficient use of land resources than is otherwise possible under conventional zoning and subdivision regulations;
- 2) To reduce the per unit site development costs of dwellings by concentrating residential units on a portion of the site without increasing the overall net density above that which would normally be allowed within the applicable zoning district;
- 3) To preserve the natural character of a site;
- 4) To preserve farmland;
- 5) To provide for desirable and usable open space, tree cover, and the preservation of environmentally sensitive areas;
- 6) To provide variety in residential buildings and properties and provide design flexibility that can relate the location of units to unique site conditions;
- 7) To improve the potential for development to comply with the Town's Comprehensive Plan; and
- 8) To satisfy the regulatory requirements of the Watershed Water Supply Protection District.

In order to achieve the specific objectives of the clustering provision such as protection of open space and sensitive lands, minimum lot areas and widths, as well as setbacks may be reduced. While the overall density may not be increased relative to the zoning district proposed for development, the density is achieved by designing for the same number of lots that would be allowed, but only on a "net area basis". An example would be a twenty acre parcel that contained ten acres of lands desirable of preservation in the form of farmland. The remaining ten acres could be used for development, but in the calculation of density, the full twenty acres would be included. The resulting lot layout would include lots of smaller sizes than typically allowed for the zoning district. This type of clustering is also referred to as Conservation Subdivision Design.

The proposed text amendment restricts the use of the Single Family Cluster Development option to the following districts: R18-14, R15-12, R10-10, and PUD zoning.

CONSISTENCY WITH LONG RANGE PLANS:

Conservation Subdivisions are the single recommendation for residential development in the current Comprehensive Land Development Plan and the concept supports the objectives of the Green Growth Toolbox. The potential preservation of open space inherent to cluster development is consistent with the Comprehensive Pedestrian and Bicycle Plans.

RECOMMENDATIONS:

During their March 20, 2014 meeting, the Planning Board recommended approval of UDO #14-03 by unanimous vote.

Staff recommends that the Board schedule attached UDO Amendment #14-03 for Public Hearing on April 21, 2014 so that public input can be accepted on the proposal.

Enclosures: Draft UDO Text Amendment #14-03
Conservation Subdivision example

**AN ORDINANCE AMENDING THE ABERDEEN UNIFIED DEVELOPMENT ORDINANCE
WITH REGARD TO CLUSTER SUBDIVISIONS**

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

Section 1. Section 152-189(B)(3) is amended to read as follows:

(3) Subject to subsection 152-189(B)(1) above, a residential cluster development may be built within any ~~R30-18, R20-16,~~ R18-14, R15-12, R10-10, or PUD zoning district. Such development shall be exempt from the conventional zoning standards relative to lot area, lot width, lot frontage, lot coverage, required yards and public street access normally applicable to such districts, provided such development complies with the minimum standards set forth under this section.

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

Section 3. This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this _____ day of _____, 2014.

Ayes: _____

Noes: _____

Absent or Excused: _____

Dated: _____

Robert A. Farrell, Mayor

Attest:

Regina Rosy, Town Clerk

Conservation Subdivisions



Traditional Layout – 103 lots

Conservation Layout – 103 lots



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: 3/26/14

Agenda Item Title: Rezoning Request RZ #14-02 for Property Fronting Pee Dee Road

Date of Board Meeting to hear this item: 4/3/14

Board Action Requested:

New Business	<input type="checkbox"/>	Information Only	<input type="checkbox"/>
Old Business	<input type="checkbox"/>	For Action at Future Meeting	<input checked="" type="checkbox"/> Date <u>4/21/14</u>
Public Hearing	<input type="checkbox"/>	Informal Discussion & Public Comment	<input type="checkbox"/>
Other Business	<input type="checkbox"/>	Consent Agenda	<input type="checkbox"/>

Summary of Information:

Schedule for Public Hearing on 4/21/14.

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

MEMORANDUM TO THE BOARD OF COMMISSIONERS

From: Pamela Graham, Planning Director
Date: April 3, 2014
Subject: Rezoning RZ#14-02

REQUEST

RZ #14-02 is a rezoning request to rezone a +/- 38 acre parcel on Pee Dee Road, identified by PID #00056777 from C-I (Commercial/Light Industrial) to the R20-16 Residential District.

BACKGROUND

Mr. David Upchurch requests a rezoning of undeveloped property originally intended for development as a commercial/industrial park known as Pee Dee Commerce Park. Additional parcels set aside for the park adjoin the property and are accessed by Parkway Drive, currently a dead end road that stops at the subject property's boundary. Mr. Upchurch owns the two parcels flanking the end of this road, immediately to the north of the subject property. Those parcels are not being proposed for rezoning and may be developed for uses consistent with their current C-I Zoning. Properties immediately east of the subject property are zoned R20-16 and R10-10 development exists to the west, across Pee Dee Road. The Commerce Park is bounded on the north by Highway Commercial zoned parcels that front NC Highway 211.

ANALYSIS

Aberdeen's UDO recognizes compatibility of Commercial/Light Industrial uses with nearby residential uses, describing the C-I District as: "a district in which the principal use of land is for industries that can be operated in a relatively clean and quiet manner and which will not be obnoxious to adjacent residential or business districts. The regulations of this district are designed to prohibit the use of land by heavy industry, which should be properly segregated, and to prohibit any other use that would substantially interfere with the development of industrial establishments in the district." This compatibility consideration is relevant due to the remaining parcels in the Commerce Park's C-I zoning, which is not being proposed for change.

The attached zoning map illustrates the current zoning in the vicinity of the subject tract. The land use patterns, where development has occurred, has been consistent with the zoning indicated on the map. Parkway Drive does not currently bisect the parcel as shown, but has been installed in two unconnected segments at the two intersections with Pee Dee Road. The applicant proposes a redesign of the remainder of Parkway Drive to accommodate the residential use; this design will be submitted for review at the time of the required Conditional Use/Subdivision Preliminary Plat approval process following a decision on the rezoning.

An aerial image of the property and immediate vicinity is also enclosed for reference. The existing road configuration is more evident on this image.

Zoning considerations must address the potential for the decision to be classified as “spot zoning”. While not illegal in North Carolina, spot zoning must be clearly supported by a reasonable basis in order to withstand a legal challenge. This request would not constitute spot rezoning as the parcel abuts other properties currently zoned R20-16.

CONSISTENCY WITH FUTURE LAND USE MAP AND LAND DEVELOPMENT PLAN

The Future Land Use Map identifies these parcels for commercial use, consistent with the current zoning, while recognizing residential uses that currently exist in the vicinity. Inconsistency with the Land Use Plan does not prevent approval of the rezoning, but it should be acknowledged and discussed by the Planning Board. The move from Commercial/Light Industrial zoning to Residential can be supported by population growth in Aberdeen of nearly 6% since 2010, more than twice the overall growth rate for the state in the same period. A need for additional residential units to support this growth can be justified, however, this shift should also be reflected in updates to the Land Use Plan currently in progress.

IMPACT ON WATER, SEWER AND TRAFFIC

Aberdeen currently makes water service available to this area, and Public Works is in discussions with the applicant on options for sewer service; options include a pump station or extension of sewer lines from residential neighborhoods to the west. The parcel is currently in the town’s extra-territorial jurisdiction (ETJ); Mr. Upchurch has expressed an intention of the town annexing the property.

The UDO requires a traffic impact analysis (TIA) for new uses generating more than 600 vehicle trips per day. The standard source for estimating trip generation is the American Association of State Highway and Transportation Officials (AASHTO), who provides an average of 9.57 trips per day per single family residential unit. The subject property is expected to support a maximum number of 50-60 single family units, placing the estimated trips per day below the threshold for the town to require a TIA. Pee Dee Road is considered a collector street, defined by the UDO as: “A street whose principal function is to carry traffic between minor, local, and subcollector streets and arterial streets but that may also provide direct access to abutting properties. It serves or is designed to serve, directly or indirectly, between 100 dwelling units to 400 dwelling units and is designed to be used or is used to carry more than 800 trips per day.”

RECOMMENDATIONS

During their March 20, 2014 meeting, the Planning Board recommended approval of RZ #14-02 by unanimous vote. Also by unanimous vote, the Planning Board determined that the proposal was not consistent with the 2030 Land Use Plan, but will be consistent with the 2040 Plan.

Staff recommends that the Board schedule Rezoning RZ #14-02 for Public Hearing on April 21, 2014 so that input from the public can be accepted on the proposal.

Enclosures: R20-16 Table of Permissible Uses
Vicinity Zoning Map
Vicinity Aerial Map
Appendix A of the Land Development Plan

Section 152-146: Table of Permissible Uses

Description	R20-16	Description	R20-16
1.000 DWELLINGS AND TEMPORARY RESIDENCES		3.000 RETAIL SERVICES AND OTHER OFFICE USES	
1.110 Single-family detached, one dwelling unit per lot		3.100 All operations conducted entirely within a fully enclosed building(s)	
1.112 Site-built dwelling	Z	3.140 Governmental uses for or by the Town of Aberdeen only	Z
1.113 Modular dwelling	Z		
		5.200 Churches, synagogues, mosques, temples and other religious buildings (including associated residential structures for religious personnel and associated buildings but not including elementary school or secondary school buildings)	C
1.400 Group Homes			
1.410 Adult care home class A	Z		
1.420 Adult care home class B	S		
1.430 Child care home class A	Z		
1.450 Child care home class B	S		

Section 152-146: Table of Permissible Uses

Description	R20-16	Description	R20-16
1.460 Maternity home	Z	5.300 Libraries, museums, art galleries, art centers, and similar uses (including associated educational and instructional activities)	
1.470 Nursing care home	Z	5.310 Located within a building designed and previously occupied as a residence or within a building having a building footprint not exceeding 3,500 square feet	S
1.500 Temporary residences and boarding houses		5.400 Social fraternal clubs and lodges, union halls, and similar uses	S
1.530 Bed and breakfast	S	6.200 Activity conducted primarily outside enclosed buildings or structures	
		6.210 Golf courses, not constructed pursuant to a permit authorizing the construction of some residential development (does not include miniature golf courses, par 3 golf courses or golf driving ranges as accessory uses)	Z
1.700 Home occupation	S	6.221 Town of Aberdeen owned and operated facilities	Z

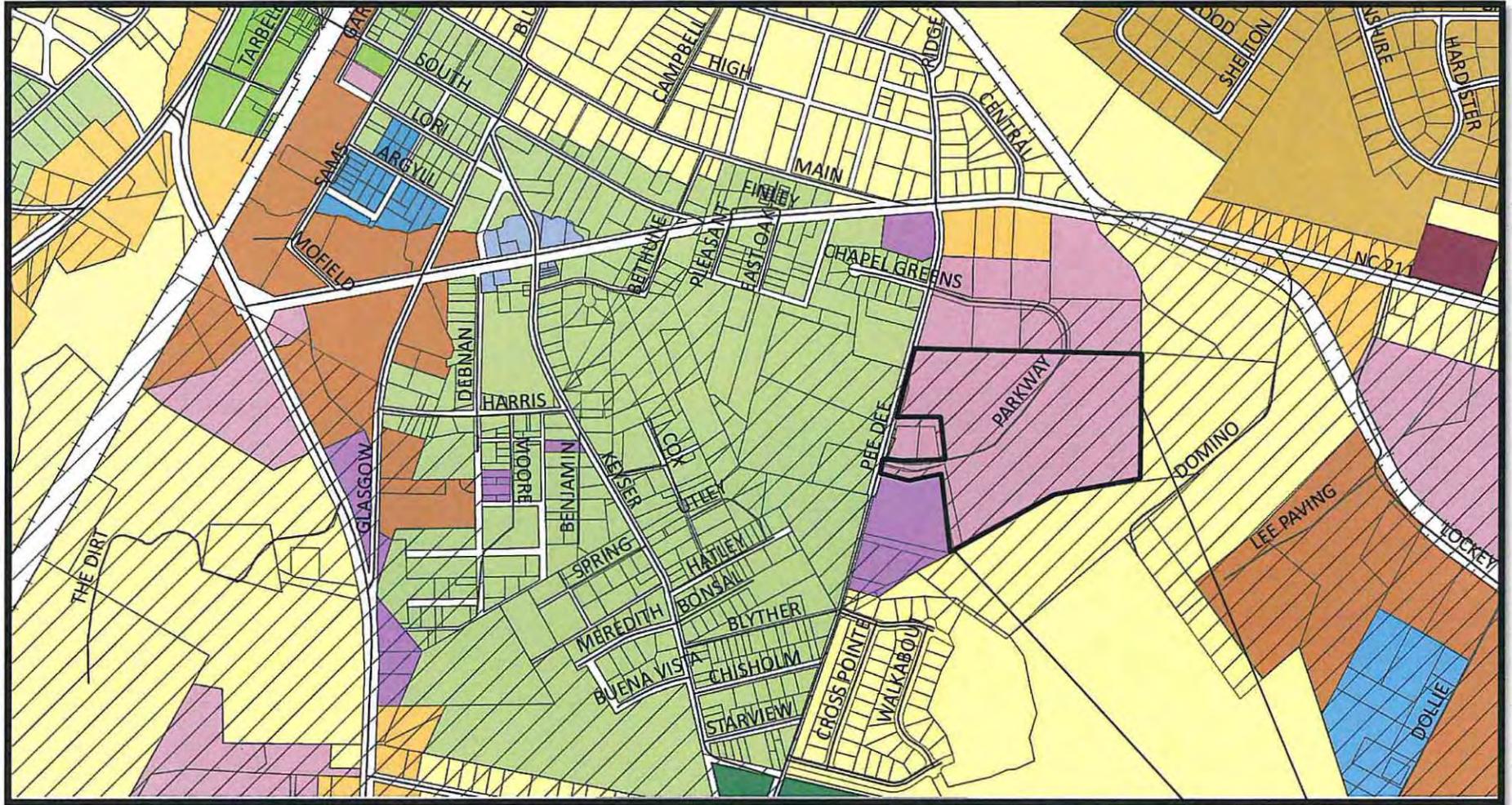
Section 152-146: Table of Permissible Uses

Description	R20-16	Description	R20-16
7.000 INSTITUTIONAL RESIDENCE OR CARE OR CONFINEMENT FACILITIES		17.000 UTILITY FACILITIES (other than wireless telecommunications facilities)	
14.000 AGRICULTURAL, COMMERCIAL GREENHOUSE, FORESTRY, MINING AND QUARRYING OPERATIONS		17.100 Neighborhood	Z
14.100 Agricultural operations		18.000 TOWERS, DISH ANTENNAS AND RELATED STRUCTURES	
14.110 Excluding livestock	S	18.100 Towers and antennas 50 feet tall or less	
14.120 Including livestock	C	18.110 Amateur Radio Antenna	Z
14.300 Forestry, including pine straw harvesting	Z	18.130 Towers and antennas owned and/or operated by a government agency	S
		18.200 Towers and antennas more than 50 feet tall	
		18.220 Towers and antennas owned and/or operated by a government agency	C
		18.300 Wireless telecommunications facilities not located on a tower	Z
22.000 DAY CARE FACILITY			

Section 152-146: Table of Permissible Uses

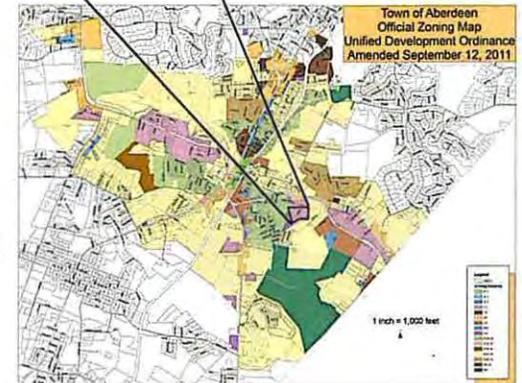
Description	R20-16	Description	R20-16
22.100 Child day care facility	S		
22.200 Senior citizen day care	S		
23.000 TEMPORARY STRUCTURES USED IN CONNECTION WITH THE CONSTRUCTION OF A PERMANENT BUILD- ING OR FOR SOME NON- RECURRING PURPOSE	Z		
27.000 SUBDIVISIONS			
27.100 Major	C		
27.200 Minor	Z		
30.000 COMBINATION USES	ZSC		

Upchurch Property – Vicinity Zoning

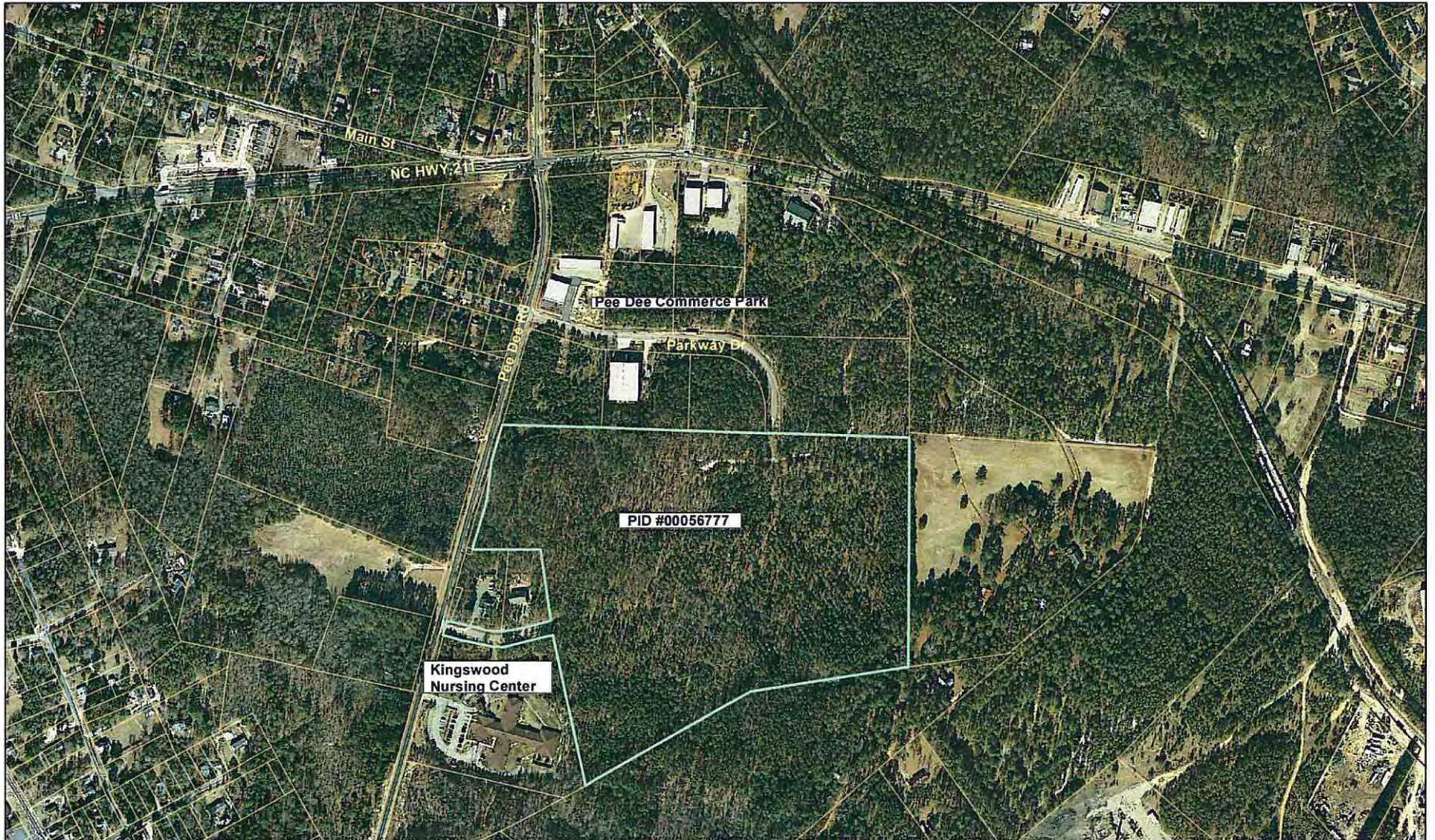


Zoning Districts

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



UPCHURCH REZONING REQUEST - Aerial Image



-  Property Proposed for Rezoning
-  Parcel Boundaries

From Appendix A of the Land Development Plan

(C) The Aberdeen Planning Board and Board of Commissioners should consider the following during the deliberation of all zoning requests:

(1) All uses which are allowed in a zoning district must be considered. A decision to re-zone or not to re-zone a parcel or parcels of property cannot be based on consideration of only one use or a partial list of the uses allowed within a zoning district.

(2) Zoning decisions will not be based on aesthetic considerations.

(3) Requests for zoning changes will not be approved if the requested change will result in spot zoning. Spot zoning is a form of discriminatory zoning whose sole purpose is to serve the private interests of one or more landowners instead of furthering the welfare of the entire community as part of an overall zoning plan. Although changing the zoning classification of any parcel of land to permit a more intensive use could possibly constitute spot zoning, the test lies in its relationship to the existing zoning pattern and guidelines of the local land use plan. Spot zoning is based on the arbitrary and inappropriate nature of a re-zoning change rather than, as is commonly believed, on the size of the area being re-zoned.

(4) Zoning which will result in strip development will be discouraged. Strip development is a mélange of development, usually commercial, extending along either side of a major street. Strip development is often a mixture of auto-oriented enterprises (e.g., gas stations, motels, and food stands), truck-dependent wholesale and light industrial enterprises along with the once-rural homes and farms that await conversion to commercial use. Strip development may severely reduce traffic-carrying capacity of abutting streets by allowing for excessive and conflicting curb cuts.

(5) The concept of uniformity will be supported in all zoning deliberations. Uniformity is a basic premise of zoning which holds that all land in similar circumstances should be zoned alike; any different treatment must be justified by showing different circumstances.

(6) Zoning regulations will be made in accordance with the Town of Aberdeen Comprehensive Plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and

encouraging the most appropriate use of land throughout Aberdeen's planning jurisdiction.

(7) Specifically, the Planning Board and Board of Commissioners should ask the following questions:

- (a) Does Aberdeen need more land in the zone class requested?
- (b) Is there other property in the town that might be more appropriate for this use?
- (c) Is the request in accordance with the Town of Aberdeen land use plan?
- (d) Will the request have a serious impact on traffic circulation, parking space, sewer and water services, and other utilities?
- (e) Is there a good possibility that the request, as proposed, will result in lessening the enjoyment or use of adjacent properties?
- (f) Will the request, as proposed, cause serious noise, odors, light, activity, or unusual disturbances? Do standards exist to govern these disturbances?
- (g) Does the request raise serious legal questions such as spot zoning hardship, violation of precedents, or need for this type of use?



TOWN OF ABERDEEN AGENDA ITEM ACTION REQUEST FORM

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

Submitted By: P Graham Department: Planning

Contact Phone # 4517 Date Submitted: 3/26/14

Agenda Item Title: Conditional Zoning CZ #14-02 from R10-10 to B-3-C.

Date of Board Meeting to hear this item: 4/3/14

Board Action Requested:

New Business	<input type="checkbox"/>	Information Only	<input type="checkbox"/>
Old Business	<input type="checkbox"/>	For Action at Future Meeting	<input checked="" type="checkbox"/> Date <u>4/21/14</u>
Public Hearing	<input type="checkbox"/>	Informal Discussion & Public Comment	<input type="checkbox"/>
Other Business	<input type="checkbox"/>	Consent Agenda	<input type="checkbox"/>

Summary of Information:

Schedule for Public Hearing on 4/21/14.

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

MEMORANDUM TO THE BOARD OF COMMISSIONERS

FROM: Pamela Graham
Planning Director
DATE: April 3, 2014
SUBJECT: UDO Conditional Zoning Request CZ# 14-02
APPLICANT: DGH Management, LLC
PROPERTY OWNER: FAC Holdings, LLC

REQUEST:

DGH Management, LLC, requests conditional zoning for construction of a six unit townhome project on property identified by PID #00049602 and #00048066 to be located on South Pine Street, between Lori Lane and Argyll Avenue. The request would rezone the property to B-3-C.

BACKGROUND:

Conditional zoning districts allow for the establishment of certain uses, which, because of their nature or scale, have particular impacts on both the immediate area and the community as a whole. It is not a conditional use permit, but is a legislatively determined zoning district to which ordinance standards apply as well as rules, regulations and conditions imposed as part of the approval. The Planning Board acts as a recommending body to the Board of Commissioners and must make a determination regarding the positive or negative impact on the immediate area and community as a whole.

The applicant intends to develop a six unit townhome complex similar to an existing set constructed by the applicant in 2008, located just south of the subject properties. Prior to the adoption of our UDO, site plan approvals were issued by the Board of Commissioners and both projects received site plan approval from the Board in 2008. However, with the UDO's adoption in 2010, all projects previously approved were required to meet any new regulations contained in the UDO, with the exception of the following:

1. Projects on which construction was begun at least 180 days before the effective date of the UDO, and
2. Projects that were at least ten (10) percent completed in terms of the total expected cost of the project on the effective date of the UDO.

The existing townhomes to the south of the subject property complied with the first provision above and therefore received zoning and building permits. The project was completed in 2008. Although a site plan was approved in 2008 for the proposed townhomes, zoning permits were not applied for until February of this year and building permits have not been issued. The property is located in the R10-10 Zoning District, which does not permit Multi-family Townhomes. A Conditional Zoning to B-3-C is recommended as there are adjacent properties zoned B-3, and the proposed use would be allowed within that zone.

CONDITIONAL ZONING DISTRICTS (C):

Conditional Zoning Districts are new districts under the Unified Development Ordinance. “Conditional zoning districts allow for the establishment of certain uses, which, because of their nature or scale, have particular impacts on both the immediate area and the community as a whole.” It is not a conditional use permit, but is a legislatively determined zoning district in which the development and use of the property is subject to predetermined ordinance standards, rules, regulations and conditions imposed as part of the approval process. The Planning Board acts as a recommending body to the Board of Commissioners and must make a determination regarding the positive or negative impact on the immediate area and community as a whole. Conditional zoning can be used to add uses to districts.

APPLICABILITY OF MULTI-FAMILY REGULATIONS:

The Unified Development Ordinance was adopted subsequent to completion of a multi-family study prepared by the town. As such, the current regulations require a different design concept as compared to the code in place in 2008. The UDO addresses multi-family development in §152-163.14; a summary is provided below. The Conditional Zoning for this project may include some, all, or none of these requirements, or may include additional requirements not listed.

- Multi-family developments and duplexes are only allowed in the R6-10 and R10-10 zoning districts. *A new multifamily development would not be allowed on this property under the existing zoning. B-3 zoning allows for multi-family and is consistent with existing zoning on adjacent parcels to the east and across Argyll Avenue to the south. The adjacent parcel to the north is zoned R10-10, and properties to the west across Pine Street are zoned I-H (Heavy Industrial).*
- The maximum dwelling units per acre are no more than eight. *The applicant proposes a maximum of six (6) units on two parcels totaling .694 acres.*
- A semi-opaque screen a minimum of thirty feet in width is required along the perimeter of any multifamily development located adjacent to any residentially used or zoned property. Existing vegetation shall be used to meet all or part of the screening requirements wherever possible. Vegetation to be saved shall be identified on site plans, along with protection measures to be used during grading and construction. *Existing vegetation is present on site; the ability for this vegetation to be utilized to meet a portion of the requirement will be evaluated during site plan review by staff. New plant material will likely be required to supplement the existing and shall be noted on the site plan.*
- Parking lots shall be shaded. *Shade trees and supplemental landscaping will likely be necessary to satisfy this requirement.*
- Off-street parking shall be located between the principal building and the rear lot line, an alley or interior to a block. *The preliminary site plan indicates parking between the buildings and the front lot line, consistent with the existing townhomes to the south.*
- Pedestrian improvements must be made interior to the development connecting units and destinations such as adjoining streets, other units and mail boxes. *Sidewalks are not indicated on the preliminary plan. If approved according to the current design, the vehicular accommodation areas can provide pedestrian access*

to these elements. A sidewalk along Pine Street is recommended as required by the UDO, §152-217(C).

- The UDO requires that all developments be constructed and maintained so that the development does not unreasonably impede the natural flow of water from higher adjacent properties across the development, nor may it unreasonably collect and channel surface waters onto lower adjacent properties resulting in substantial damage to those lower adjacent properties. The development site plan is also required to address hydrology, low-impact development design strategies and erosion sediment control. *Based on data made available by Moore County, the property exhibits a cross slope of +/- 5% and is located less than 500 feet from Aberdeen Creek. The creek, buffered by wetlands on either side, is a contributor to the Lumber River basin system. Site disturbance should be kept to the minimum required for development of the project, and silt fence will be necessary to protect downslope properties from sedimentation during construction. The following stormwater management practices recommended by the UDO may be appropriate for long-term stormwater control:*
 - *Filter/Buffer Strip*
 - *Grass Swales*
- Solid waste container sites shall be screened with a six (6) foot high opaque vegetative, wood or masonry screen. *This requirement can be addressed during site plan review by staff.*
- Multi-family site plans shall include the designation of bike paths or lanes when such facilities are indicated on an approved Aberdeen Bicycle Plan. *The Bicycle Plan does not include recommendations for this portion of Pine Street.*
- Open space is required at the rate of 435 square feet per dwelling unit with a width not less than 40 feet or a radius of at least 26 feet. *Based on the proposed six (6) dwelling units, the open space requirement is 2,610 square feet. If constructed per the preliminary site plan, the site provides ample area along the rear property boundary to meet this requirement.*
- Private Open Space is required for each dwelling unit, such as a private porch, deck, balcony or patio. Based on the number of units in the proposed building, the private open space must be a minimum of 15% of each dwelling units floor area or ninety (90) square feet, whichever is greater. *If constructed as currently proposed, there appears to be adequate space to the rear of each unit to meet this requirement.*
- An outdoor lighting plan is required for site plan review for all multi-family developments exceeding four (4) dwelling units that meets specific requirements including that onsite lighting needs are accomplished without intrusion on adjoining properties. *A lighting plan may be reviewed during site plan review by staff.*
- General design requirements for multi-family development includes the following: *(Elevation drawings for the proposed building have not been submitted)*
 - Provide interesting and aesthetically attractive multi-family developments;
 - Avoid monotonous, “barracks” style buildings;

- Ensure that buildings have a multifaceted exterior form in which articulated facades are combined with window and door placements as well as other detailing;
- Create an interesting and attractive architectural design;
- Limit flat walls with minimal features;
- Buildings shall not exceed 150 feet in length;
- Facades greater than fifty (50) feet in length, measured horizontally, shall incorporate wall plane projections or recesses. Ground floor facades that face public streets shall have windows, entry areas, awnings, or other such features for at least sixty (60) percent of their horizontal length;
- Buildings shall be arranged so that they are aligned parallel to a sidewalk or around common open space, such as courtyards, greens, squares, or plazas;
- On owner-occupied units (townhouses and condominiums), side or rear entry garages are encouraged. When front entry garages are provided, the garage should be recessed at least twelve (12) feet behind the unit front wall line closest to the required front yard setback;
- Buildings on lots not exceeding 40,000 square feet shall be oriented to the street;
- Windows, porches, balconies, and entryways shall comprise at least thirty (30) percent of the length of the front elevation on each floor.
- Multi-family buildings on single or multiple lots with at least fifty (50) feet of frontage shall be arranged at intervals of not more than fifty (50) feet;
- The arrangements of buildings shall include at least two of the following:
 - Horizontal projections or offsets, such as towers or turrets, which extend at least five (5) feet from the front elevation and the height of the building up to the eaves. Projections or offsets shall be at least three (3) feet in depth and eight (8) feet in width;
 - Projecting entryways, such as stoops, balconies, porticoes, bay windows, or porches;
 - Changes in roof elevations, roof dormers, hips, or gables;
 - Open balconies that project at least six (6) feet from the front building plane.

ADJACENT ZONING AND LAND USE:

As shown in the attached Vicinity Zoning map, the property represents the last R10-10 zoning on Pine Street before transitioning to B-3 zoning, which includes both multi-family and single family uses. Adjacent parcels to the rear of the subject properties are likewise zoned B-3. Immediately to the west, across Pine Street, is Heavy Industrial zoned property which operates as Meridian Zero, a kiosk manufacturer. A scattering of Commercial/Light Industrial, Office/Institutional, and B-1 Central Business parcels exist along Pine Street to the north.

IMPACT ON WATER, SEWER, AND TRAFFIC:

The site is served by public water and sewer and capacity to serve the proposed units is available.

Pine Street is considered a “sub-collector” street, described by the UDO as: “a street whose principal function is to provide access to abutting properties but is also designed to be used or is used to connect minor and local streets with collector or arterial streets. Including residences indirectly served through connecting streets, it serves or is designed to serve at least twenty-six (26) but not more than 100 dwelling units and is expected to or does handle between 200 and 800 trips per day. The six dwelling units proposed for this project are estimated to create fewer than sixty (60) additional vehicle trips per day, far below the threshold of 600 that would require a traffic impact analysis.

The applicant proposes to create a private road to access the units, with an ingress point on Pine Street and egress on Argyll Avenue (road will direct traffic to travel one-way only). Moore County must approve new road names for 911 compatibility.

CONSISTENCY WITH ADOPTED PLANS:

The 2009 amendment to the 2030 Plan directed a slow-down of multifamily development growth. This project incorporates six (6) new multi-family dwelling units, but is in keeping with adjacent zoning and existing adjacent uses. No recommendations for this area are included in the Aberdeen Pedestrian and Bicycle Plans, and no concerns are exhibited when overlaying Green Growth Toolbox (GGT) layers onto the property. The GGT does recognize the sensitive nature of the wetland area adjacent to Aberdeen Creek, as well as the creek itself.

ANALYSIS OF IMPACT ON IMMEDIATE AREA AND COMMUNITY AS A WHOLE:

The immediate impact of this operation should not have a negative impact on the community. Minimal traffic will be generated from the additional housing units, but traffic volumes are not expected to result in significant impacts to the transportation network.

RECOMMENDATIONS:

During their March 10, 2014 meeting, the Planning Board recommended approval of CZ #14-02 with amended conditions. Those amendments are indicated in red type in the conditions list, provided below.

Staff recommends that the Board schedule Conditional Zoning CZ #14-02 for Public Hearing on April 21, 2014 so that input from the public can be accepted on the proposal.

RECOMMENDED CONDITIONS: (Planning Board recommended changes to the conditions are indicated in red)

1. The applicant must conduct a community meeting with mailed notice complying with the requirements of the Unified Development Ordinance prior to the Public Hearing by the Board of Commissioners.
2. A conditional use permit for the uses on the property is not required. A final site plan and all construction documents must be approved through the interdepartmental review process and shall be in general conformance with the proposed sketch plan attached to this proposal.
3. Any and all approvals from other regulatory agencies must be obtained prior to a notice to proceed by the Planning Department.
4. The applicant shall meet all setbacks and building heights as shown on the sketch plan.
5. The applicant shall meet all screening and landscape requirements as applicable to multi-family development and shall retain existing vegetation in the buffer areas wherever possible and supplement with planted landscaping as needed.
- ~~6.~~ A five foot wide concrete sidewalk along Pine Street is required.
- ~~7.~~ 6. Stormwater management practices shall meet all requirements of the UDO and be reviewed during site plan review by staff. Solid waste container sites shall be screened as provided for in the UDO.
- ~~8.~~ 7. Open space will be required at no less than 2,610 square feet, and with a width not less than 40 feet or a radius of at least 26 feet.
- ~~9.~~ 8. Private open space for each unit shall be provided at a minimum of 15% of each dwelling unit's floor area or ninety (90) square feet, whichever is greater.
- ~~10.~~ 9. An outdoor lighting plan and general design- lighting requirements must be consistent with the UDO's requirements for multi-family development and will be reviewed during site plan review by staff. Submittal for site plan review shall include elevation drawings demonstrating compliance with these UDO requirements.
- ~~11.~~ 10. Final approval of Conditional Zoning CZ #14-02 is contingent upon approval of an interdepartmental site plan review following the CZ process.
11. Staff is directed to enter Conditional Zoning District B-3-C for properties identified by PID# 00049602 and #00048066 on the official zoning map and add a label for CZ#14-02 upon final approval.
12. Density shall be limited to no more than eight (8) units per acre.
- ~~12.~~ 13. Uses other than multi-family or single family residential shall not be permitted.

Enclosures: Preliminary Sketch Plan
Vicinity Zoning Map
Aerial Image
Street View Images (2)

PINE STREET CONDITIONAL ZONING



Identified Wetlands 
Aberdeen Creek & Tributaries 

Property Proposed for Conditional Zoning 
Parcel Boundaries 



Existing Townhomes – Street View



Property Proposed for Development



AGENDA
ITEM 12

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: 3/26/14

Agenda Item Title: Recommended Revisions to Permit Fee Schedule

Date of Board Meeting to hear this item: 4/3/14

Board Action Requested:

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

Summary of Information:

Board may make a decision during Work Session or a later date.

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

MEMORANDUM TO THE BOARD OF COMMISSIONERS

FROM: Pamela Graham, RLA
Planning Director
DATE: April 3, 2014
SUBJECT: Revisions to the Permitting Fee Schedule

Staff has been asked to review specific items on the Permit Fee Schedule and provide comment to the Board on suggested revisions. These items, and staff's recommendations, are below.

Street Closure Fees:

The Town's has periodically made the decision to permanently close "unopened" streets within our jurisdiction when it is determined that the future buildout of the street provides no benefit to the town. The requests to close these streets that are often depicted on maps but for various reasons were never constructed typically originate with adjacent property owners, who have an interest in acquiring the property. By state statute, when the street is permanently closed by the town the property is divided along the center line and title is transferred to the adjoining landowners. This transfer adds the property to the town's tax base.

The town incurs costs during this process, including the following:

- Required legal notices (by state statute a notice of public hearing must be published once a week for four successive weeks and adjoining property owners must receive notice by certified mail) – cost of most recent street closure legal notices = \$321.75,
- A survey must be prepared depicting the legal boundaries of the street as it will exist after the center line division – cost of most recent street closure survey = \$700,
- The survey and deed must be recorded with the County Register of Deeds – standard fee for recording = \$26.

The town incurred a total cost of \$1,047.75 for the most recent street closure, not including staff time and printing of information.

A survey of other North Carolina communities policies for street closures brought a range of responses, including:

- 1) Garner = \$125, which they admit is out of line,
- 2) Hillsborough = \$150,
- 3) Eden = \$650,
- 4) Statesville charges no fee, but the petitioner is responsible for the legal notices and survey,
- 5) Maysville charges a \$400 filing fee and requires that the petitioner provide the survey and pay recording fees.

Recommendation

Staff recommends that the Board consider two options for revisions to the Fee Schedule that would balance the typical costs for street closures:

- 1) A filing fee of \$375.00 be collected to cover the costs of required legal notices and filing of plat and deed, with petitioner responsible for providing survey, **or**,
- 2) A filing fee of \$750.00 with the town responsible for all processes of the closure.

Staff does not favor the Statesville policy as indicated in #4 above and recommends that staff take the steps needed to insure compliance with state statutes.

Commercial Mechanical Tonnage Fees:

Staff has made comparisons of our permit fees for commercial Heating/Air Conditioning units and have determined that our fees are significantly higher than other nearby communities. A comparison of a 15 ton commercial unit (180,000 btus) is as follows:

Southern Pines charges a base fee of \$50 + \$10 per ton
total fee for a 15 ton unit = \$200

Pinehurst charges a calculated fee of \$100 per each 10 tons
total fee for a 15 ton unit = \$150

Sanford charges a calculated fee of \$9 per ton up to 15 tons;
\$12/ton for 16 or more
total fee for a 15 ton unit = \$135

Aberdeen charges a base fee of \$75 + \$20 per ton
total fee for a 15 ton unit = \$375

This discrepancy was particularly evident in a recent commercial upgrade where fees for three heating units, without air conditioning, incurred fees exceeding \$700.00. The area to be heated totaled less than 3,000 square feet; the calculation was based on a relatively high btu count for the units.

Inspections for higher tonnage/btu units are no greater than those for lower tonnage units, and review time for inspectors is relatively equal.

Recommendation

Staff recommends that the base fee of \$75.00 remain the same and the \$20 per ton charge be reduced to \$10 per ton. This fee policy would result in a \$225 fee for a 15 ton unit.

Staff recommends that the Board of Commissioners consider and approve the attached resolution to amend the fee schedule.

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

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

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

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

Section 3. This resolution shall become effective upon adoption.

The foregoing Resolution on motion of Commissioner _____, seconded by Commissioner _____, was adopted this ____ day of _____, 2014.

Ayes: _____

Noes: _____

Absent or Excused: _____

Dated: _____

Robert A. Farrell, Mayor

Dated: _____

Regina Rosy, Aberdeen Town Clerk

Town of Aberdeen Fee Schedule

Service	Fee
Residential Building (Including Additions)	\$75.00 + .18 sq ft
Residential Building (Remodel/Alterations)	\$50.00 + .10 sq ft
Commercial Building	\$100.00 + .20 sq ft
Commercial Upfit	\$100.00 + .15 sq ft
NCHORF (required by State of NC)	\$10.00
Insulation	\$50.00
Commercial Insulation	\$75.00 per 10,000 Sq. Ft.
Shed – Prefabricated	\$50.00
Deck	\$50.00
Temporary Pole - Residential	\$50.00
Temporary Pole - Commercial	\$75.00
Electrical 100 Amp Service (1 Phase)	\$100.00
Electrical 200 Amp Service (1 Phase)	\$150.00
Electrical 320 Amp Service (1 Phase)	\$175.00
Electrical 400 Amp Service (1 Phase)	\$200.00
Electrical 600 Amp Service (1 Phase)	\$250.00
Electrical 600/+ Amp Service (1 Phase)	\$350.00
Electrical 200 Amp Service (3 Phase)	\$200.00
Electrical 400 Amp Service (3 Phase)	\$300.00
Electrical 600 Amp Service (3 Phase)	\$400.00
Electrical 800 Amp Service (3 Phase)	\$500.00
Electrical 1000 Amp Service (3 Phase)	\$600.00
Panel/Mtr. Base Replacement	\$100.00 if same for same
Panel Replacement with service change	\$75.00, \$125.00 above 200 amp
Alterations (remodel or addition)	\$50.00 + \$2 per outlet
Service Change Only	\$50.00
Load Control / Disconnect	\$15.00 each
Plumbing Residential	\$75.00 + \$7 per fixture
Plumbing Commercial	\$100.00 + \$7 per fixture
Hot-Water Heater Change-out	\$50.00
Sprinkler System – Irrigation	\$50.00
Water/Sewer Tap	\$50.00
Mechanical	\$75.00 split & package
Mechanical – Commercial units	\$75.00 + \$29.10 per ton
New Gas Line	\$50.00
Commercial Range, Grease Hood, Etc.	\$50.00
Smoke Test – over 5 tons	\$50.00
Duct Work for alterations	\$35.00
Refrigeration	\$50.00 + \$10.00 per unit
Demolition	\$150.00
Pool – includes electrical	\$150.00
Petroleum Tanks (above/below)	\$50.00 each
Petroleum Product Dispenser	\$50.00 + \$20 each addition disp.
Fire Alarm System (includes plan review)	\$50.00
Fire Sprinkler Systems: New/Renovations (plan review/100 heads)	\$100.00 + .50 each additional head
Fence	\$50.00 (zoning permit)

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

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Custom Aerial Maps 34 x 44	\$50.00 Material Fee + Hourly rate
<u>Street Closure Petition</u>	<u>\$750.00</u>



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: 3/26/14

Agenda Item Title: Discussion of Joint Retreat with Planning Board

Date of Board Meeting to hear this item: 4/3/14

Board Action Requested:

New Business
Old Business
Public Hearing
Other Business

Information Only
For Action at Future Meeting Date _____
Informal Discussion & Public Comment
Consent Agenda

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

FROM: Pamela Graham
Planning Director
DATE: April 3, 2014
SUBJECT: Discussion of Joint Retreat with Planning Board

The Planning Board has engaged in discussions of a retreat for the purpose of discussing future direction and overall planning strategies, a “brainstorming” session to ensure a directed and proactive approach that addresses growth pressures and opportunities that may result. As has been suggested by one of our Land Use Plan Steering Committee members, the basic question of: “What does Aberdeen want to be when it grows up?” is a timely one, as the certainty of growth is greater than the degree and nature of the growth’s impact. We can be a better community as a result of the growth, but only if we work to make this outcome the reality.

It was suggested that a joint retreat with the Board of Commissioners might be very productive, and provide an opportunity for the Commissioners to express their objectives and vision to the Planning Board, and to accept those same expressions from the Planning Board members.

The Planning Board has asked that I make this suggestion to the Board, and share with them your response and a potential timeframe for scheduling the joint retreat, should your response be positive.

TOWN OF ABERDEEN

Request For Bids #14-01

Sale and Removal of Two (2) Residential Structures

Aberdeen, North Carolina

Request Board of Commissioners acceptance of bids received for:

805 N Poplar Street to Elease Goodwin; bid amount \$2,000.00. Bid deposit received \$100.00.

804 Holly Street to William Oldham; bid amount \$510.00. Bid deposit received \$26.00.

No other bids were received.

Upon Board approval, bidders will be notified of acceptance and will have 15 calendar days to pay balance in full, and bidders will have 120 calendar days to remove structures and any debris related to the actual residential structure, foundation, etc.