

TOWN OF ABERDEEN BOARD OF COMMISSIONERS

MINUTES OF REGULAR BOARD MEETING OF MAY 12, 2008

The Aberdeen Board of Commissioners met Monday, May 12, 2008 at 6:00 p.m. for their regular Board meeting. Members present were Mayor Elizabeth B. Mofield and Commissioners Pat Ann McMurray, Donna Shannon, Jim Thomas, Robbie Farrell and Walter Wright. Others in attendance were Town Manager Bill Zell, Deputy Clerk Regina Rosy, Planning Director Kathy Liles, and Deputy Planner Patti Jilson. Town Clerk Nancy Matthews was unable to attend.

1. Call to Order

Mayor Mofield called the regular meeting of May 12th to order. She stated there were several Public Hearings to be held.

PUBLIC HEARINGS

a. Voluntary contiguous annexation as petitioned by Quality Built Homes, Inc. for Lot #17(a), 17(b) and 18, Magnolia Drive.

Mayor Mofield opened the Public Hearing on voluntary contiguous annexation as petitioned by Quality Built Homes, Inc. for Lot #17(a), 17(b) and 18, Magnolia Drive for public comments and Board discussion.

With no comments or Board discussion, Mayor Mofield closed the Public Hearing on voluntary contiguous annexation as petitioned by Quality Built Homes, Inc. for Lot #17(a), 17(b) and 18, Magnolia Drive.

- b. Application for Conditional Use Permit CU#08-04 (to amend CU#07-07 and Site Plan Review SP#07-08) submitted by Ted Thomas to add three additional storage units in the rear of the property located at 136 Industrial Way.**

Mayor Mofield opened the Public Hearing on Application for Conditional Use Permit CU#08-04 (to amend CU#07-07 and Site Plan Review SP#07-08) submitted by Ted Thomas to add three additional storage units in the rear of the property located at 136 Industrial Way for public comments and Board discussion.

Planning Director Kathy Liles stated the purpose is to expand storage options to add an additional 17,000 square feet. She stated landscaping requirements and vehicle accommodations have been met. She stated the Planning Board recommends for approval.

With no further comments of the public or Board discussion, Mayor Mofield closed the Public Hearing for Conditional Use Permit CU#08-04.

- c. Application for Conditional Use Permit CU#08-05 (to amend CU#07-12 and Site Plan Review SP#07-15) submitted by Planning Staff.**

Mayor Mofield opened the Public Hearing on Application for Conditional Use Permit CU#08-05 (to amend CU#07-12 and Site Plan Review SP#07-15) submitted by Planning Staff.

Planning Director Kathy Liles stated the purpose of this request is to amend the Conditional Use Permit to remove the fire access road and to change the location of a fire hydrant. The Fire Department, Police Department and Public Works Department have evaluated the change and concur.

With no further comments of the public or Board discussion, Mayor Mofield closed the Public Hearing for Conditional Use Permit CU#08-05.

d. Application for Conditional Use Permit CU#08-06 submitted by Stover Homes, Inc. to construct five duplex units in place of Buildings G, H and I at Lighthorse Trace, Saunders Blvd.

Mayor Mofield opened the Public Hearing on Application for Conditional Use Permit CU#08-06 submitted by Stover Homes, Inc. to construct five duplex units in place of Buildings G, H and I at Lighthorse Trace, Saunders Blvd.

Planning Director Kathy Liles stated the applicant proposes to amend their Conditional Use Permit and eliminate three quadriplexes to construct five duplexes for an overall reduction of two dwelling units. Planning Board recommends for approval. Commissioner Farrell asked if this will meet setback requirements. Planning Director Kathy Liles stated it does meet setback requirements.

Jarrett Deerwester, with Stover Homes, spoke about the architectural design of the duplexes.

With no further comments of the public or Board discussion, Mayor Mofield closed the Public Hearing for Conditional Use Permit CU#08-06.

2. Setting of the Agenda

Manager Zell requested that Item 7(a) be moved to the end of the agenda. He also requested that the following items be added to the agenda:

8-a. Consideration to adopt Aberdeen-Pinebluff Mutual Aid Agreement

8-b. Consideration to adopt an Amendment Memorandum of Understanding Regarding the Rural Planning Organization for Chatham, Lee, Moore and Orange Counties

8-c. Fire Pumper Purchase Agreement

8-d. Consideration of Road Names: Lake Park Crossing & Pony Express Way

A motion was made by Commissioner Shannon, seconded by Commissioner Thomas to approve the Setting of the Agenda as amended. Motion unanimously carried.

3. Approval of the Consent Agenda

a. Minutes of Regular Meeting of April 14, 2008; Work Session of May 1, 2008; Closed Session of May 1, 2008.

Commissioner Wright stated the May 1st Work Session minutes should have said less than \$200,000 under #13 Budget Capital Projects prior to June 30, 2008, rather than \$100,000.

A motion was made by Commissioner Thomas, seconded by Commissioner McMurray, to approve the Consent Agenda as amended. Motion unanimously carried.

4. Informal Discussion and Public Comment

Mayor Mofield stated the public should consider attending the Summer on the Porch series at the Postmaster's House on Sunday afternoons. She stated it is a good time for all.

Mayor Mofield stated the Aberdeen Lake Recreation Station dedication would be on Sunday, May 18th at 2:00pm. She stated the public is invited to attend.

5. Financial Report

Manager Zell stated the General Fund is \$603,612.00 to the good for the year as of the end of April. He stated the Water & Sewer Fund is \$185,000 to the good as of the end of April.

6. Old Business

None

7. New Business

- a. Consideration on Nine-month Moratorium on Multi-family Development.**

This item was moved to the end of the agenda.

- a. Consideration to adopt Annexation Ordinance #44-209 for voluntary contiguous annexation petitioned by Quality Built Homes, Inc. for Lot #17(a), 17(b) and 18, Magnolia Drive, with effective date of annexation as May 12, 2008.**

A motion was made by Commissioner Wright, seconded by Commissioner Thomas, to adopt Annexation Ordinance #44-209 for voluntary contiguous annexation petitioned by Quality Built Homes, Inc. for Lot #17(a), 17(b) and 18, Magnolia Drive, with effective date of annexation as May 12, 2008. Motion unanimously carried.

- b. Consideration of approval on Application for Conditional Use Permit CU#08-01 and Site Plan Review SP#08-02 submitted by Perry Johnson for an office/storage facility located at the corner of Aqua Shed Court and Ridgeline Road, Aberdeen, N. C.**

Planning Director Kathy Liles stated this would be approved for a commercial use (mixed use plan). Commissioner Farrell asked if sidewalks were required. After some investigation, the staff and Board discovered sidewalks are included on the site plan but it says square feet rather than linear feet. Planning Director Kathy Liles stated she would have the verbiage changed from square feet to linear feet.

A motion was made by Commissioner Wright, seconded by Commissioner Farrell, to approve Application for Conditional Use Permit CU#08-01 and Site Plan Review SP#08-02 submitted by Perry Johnson for an office/storage facility located at the corner of Aqua Shed Court and Ridgeline

Road, Aberdeen, N.C. with the following Findings of Fact:

1. That all parties were duly noticed.
2. That Perry Johnson, the applicant, proposed to construct a Commercial Planned Development on property identified by the Moore County Tax records as LRK(s) # 20000402, 20000403.
3. That the application for the Commercial Planned Development was accepted on January 30, 2008 by the Town of Aberdeen Planning Department.
4. That Perry Johnson owns the property upon which the proposed Commercial Planned Development will be situated.
5. That the proposed site details are as follows:
Zoning: C-I Commercial Industrial (Light) District Adjacent Zoning: C-I Commercial Industrial (Light) District, H-C Highway Commercial District Acreage: 4.21 (+/-) Watershed: Yes – SNIA#07-03 approved 1/19/08 Floodplain: No Historical Use: Industrial/Vacant Land.
6. That a Commercial Planned Development requires a conditional use permit in the C-I Commercial & Industrial (Light) Zoning District.
7. Upon a motion to approve the conditional use permit, the Town of Aberdeen Planning Board voted unanimously to approve the Commercial Planned Development and forwarded such recommendation to the Board of Commissioners.
8. If constructed in accordance with the site plan submitted and subject to the additional conditions listed below and in compliance with the Town's Ordinances and Codes, the establishment, maintenance, or operation of the Commercial Planned Development will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare.
9. The proposed use is consistent with uses on properties in the immediate vicinity. Therefore, the Commercial Planned Development will not be injurious to the use and enjoyment of other property(s) in the immediate vicinity for the purposes already permitted, or substantially diminishes, and impairs property values within the neighborhood.
10. That the establishment of a Commercial Planned Development will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the C-I Commercial & Industrial (Light) Zoning District.
11. That the exterior architectural appeal and function plan of the proposed Commercial Planned Development will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district as to cause a substantial depreciation in the property values within the neighborhood. Building front façade will consist of 100% masonry, 25% - 30% masonry on side façade.
12. That adequate utilities, access roads, drainage, and necessary facilities have been provided, as shown on Site Plan SP#08-02.
13. That adequate measures have been taken to provide ingress and egress so designed to minimize traffic congestion in the public streets. Applicant will have three driveway cuts, a driveway permit will be issued from public works director at the time of building permit issuance.

14. That the conditional use shall, in all other respects, conform to the applicable regulations of the C-I Commercial & Industrial (Light) Zoning District in which it is located, except as such regulations may be modified by the Board of Commissioners pursuant to the recommendation of the Planning Board.
15. That the landscaping will be installed in accordance with Section 155.190 Landscaping of the Zoning Ordinance.

Conditions

1. Every separate user who receives his water supply from the town shall have a water meter installed upon the line furnishing such water.
2. All water meters shall be installed under the supervision of the town public works director and pursuant to the specifications of the town.
3. Special No Residential Intensity Allocation SNIA #07-03 approved for Lot #16, a 47% build-out, Lot #17 a 50% build-out. Submitted area computations on combined Lots 16 and 17:
 - 38,920 SF Gravel Drive/Dock/Parking
 - 52,220 SF Building Footprint
 - 506 SF Sidewalk
 - 91,626 SF Total Impermeable Improvements – This is 49% of total lot area.
4. Landscaping shall include 19 large trees, 52 understory trees and approximately 150 shrubs.
5. No building permits shall be issued prior to a letter of approval from NCDENR.

CONCLUSIONS OF LAW

1. That the Town of Aberdeen Board of Commissioners has jurisdiction over the persons and subject matter in this action and that the parties are properly before this Board.
2. That the applicant, Perry Johnson, satisfied all of the requisite standards pursuant to the Town of Aberdeen Zoning Ordinance.
3. That sufficient evidence was presented by Perry Johnson to satisfy the requirements of the Town of Aberdeen Zoning Ordinance.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. That the applicant satisfied all of the requisite standards pursuant to the Town of Aberdeen Zoning Ordinance.
2. Based upon the evidence submitted and the above Findings of Fact and additional conditions, the application for a Commercial Planned Development (including mini-storage and other permitted uses as identified for the C-I Commercial & Industrial (Light) District), to be located at the corner of Aqua-shed Court and Ridgeline Road, is here by approved,
subject to the sidewalk amendment from square feet to linear feet. Motion unanimously carried.

c. Consideration of approval on Application for Conditional Use Permit CU#08-02 submitted by Brandi Thomas for a Home Occupation (Childcare) located at 102 Vincent Way, Aberdeen, N. C.

Commissioner Farrell requested that the days of operation be amended to include Monday – Friday.

A motion was made by Commissioner Wright, seconded by Commissioner Thomas, to approve Application for Conditional Use Permit CU#08-02 submitted by Brandi Thomas for a Home Occupation (Childcare) located at 102 Vincent Way, Aberdeen, N.C. with the following Finding of Facts and additional conditions:

1. That all parties were duly noticed.
2. That Brandi Thomas, the applicant, proposed to operate a home daycare on property identified by the Moore County Tax records as LRK#20020240.
3. That the application for the home daycare was accepted on February 20, 2008 by the Town of Aberdeen Planning Department.
4. That Brandi Thomas owns the property upon which the proposed home daycare will be situated.
5. That the proposed site details are as follows: Zoning: R-20 Residential District Adjacent Zoning: R-20 Residential Watershed: No Floodplain: No Historical Use: Residential.
6. That a home daycare requires a conditional use permit in the R-20 Residential Zoning District.
7. Upon a motion to approve the conditional use permit, the Town of Aberdeen Planning Board voted unanimously on March 27, 2008, to approve the conditional use permit application and forwarded such recommendation to the Board of Commissioners.
8. The establishment, maintenance, or operation of a home occupation will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare.
9. The home occupation will not create any additional lighting or noise and will be conducted primarily inside the structure, which will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish, and impair property values within the neighborhood.
10. The home occupation will occur within the home and will maintain the appearance of a single-family dwelling, which will not hinder the normal and orderly development of the surrounding property for uses permitted in the R-20 Residential Zoning District.
11. The existing structure is consistent with exterior architectural appeal and function plan of structures already constructed or in the course of construction in the immediate neighborhood and will cause no substantial depreciation in the property values within the neighborhood.

12. Adequate utilities, access roads, drainage and necessary facilities are provided. The structure is on Town of Aberdeen water and sewer.
13. Adequate measures have been taken or will be taken to provide ingress and egress so designed to minimize traffic congestion in the public streets. The Home Occupation will create low traffic volume.
14. The conditional use shall, in all other respects, conform to the applicable regulations of the R-20 Residential Zoning District in which it is located except as such regulations may be modified by the Board of Commissioners pursuant to the recommendation of the Planning Board.

ADDITIONAL CONDITIONS

1. Hours of operation shall be 8:00am-5:30pm
Monday – Friday.
2. No evening hours.
3. Total number of children six (6), including the
Applicant’s children.
4. Provide a 30’ x 30’ fenced play area.
5. No signage allowed.

CONCLUSIONS OF LAW

1. That the Town of Aberdeen Board of Commissioners has jurisdiction over the persons and subject matter in this action and that the parties are properly before this Board.
2. That the applicant, Brandi Thomas, satisfied all of the above findings of fact, the application for a conditional use permit for a home daycare to be located at 101 Pine Brae is hereby approved.

Motion was approved unanimously.

d. Consideration of approval of Application for Conditional Use Permit CU#08-05 (to amend CU#07-12 and Site Plan Review SP#07-15) submitted by Planning Staff.

A motion was made by Commissioner Thomas, seconded by Commissioner Shannon, to approve Application for Conditional Use Permit CU#08-05 (to amend CU#07-12 and Site Plan Review SP#07-15) submitted by Planning Staff that the following be amended:

1. Deletion of emergency access road.
2. Both fire hydrants will be placed on Hwy. 211.

Motion unanimously carried.

- e. **Consideration of approval of Application for Site Plan Review SP#08-06 and SP#08-07 submitted by R & M Commercial Real Estate, LLC. for a six-unit condominium to be located on Pine Street (Lots 104-106) between Argyll and Lori Lane and a three-unit condominium at East South Street.**

A motion was made by Commissioner Thomas, seconded by Commissioner Wright, to approve Application for Site Plan Review SP#08-06 and SP#08-07 submitted by R & M Commercial Real Estate, LLC. for a six-unit condominium to be located on Pine Street (Lots 104-106) between Argyll and Lori Lane and a three-unit condominium at East South Street. Motion unanimously carried.

- f. **Consideration of approval of Application for Site Plan Review SP#08-08 submitted by Dave Thomas to construct a Quick Lube Service Center to be located at 211 Dogwood Drive.**

Planning Director Kathy Liles stated the previous issue was if there was enough room on Dogwood Drive to install sidewalks. She stated it would be very difficult to put in sidewalks without removing several large pine trees. Sidewalks would have to be placed within the lots to preserve the trees with agreement from the property owners.

Chris Cleveland, the building contractor, spoke concerning this issue. He stated he was more than willing to run sidewalks along the Quick Lube property on Dogwood Drive.

A motion was made by Commissioner McMurray, seconded by Commissioner Shannon to approve Application for Site Plan Review SP#08-08 submitted by Dave Thomas to construct a Quick Lube Service Center to be located at 211 Dogwood Drive with the condition that sidewalks be put in on the Quick Lube property on Dogwood Drive. Motion unanimously carried.

- g. Consideration of approval of Application for Zoning Code Text Amendment ZA#08-02 submitted by Planning Staff to provide additional standards governing site plan requirements for metal buildings and adoption of a Resolution Regarding Plan Consistency with regard to Façade Requirements for Metal Buildings.**

The Board concludes that the above described amendment is consistent with the Town of Aberdeen 2030 Comprehensive Land Use Plan. The Board also concludes that the above described amendment is reasonable and in the public interest.

A motion was made by Commissioner Farrell, seconded by Commissioner Thomas, to approve Application for Zoning Code Text Amendment ZA#08-02 submitted by Planning Staff to provide additional standards governing site plan requirements for metal buildings and adoption of a Resolution Regarding Plan Consistency with regard to Façade Requirements for Metal Building. Motion unanimously carried.

- h. Consideration of approval of an Amendment to 152 Code of Ordinances – Historic Preservation Commission.**

A motion was made by Commissioner Shannon, seconded by Commissioner McMurray, to approve an Amendment to 152 Code of Ordinances – Historic Preservation Commission to add an alternate to the Commission. Motion unanimously carried.

- i. Consideration of appointment of an alternate to the Historic Preservation Commission.**

A motion was made by Commissioner Shannon, seconded by Commissioner McMurray, to appoint Shirley Starkey as an alternate to the Historic Preservation Commission. Motion unanimously carried.

j. Consideration to adopt a Resolution to Declare Certain Property for Sale as Surplus.

A motion was made by Commissioner Thomas, seconded by Commissioner Shannon, to adopt a Resolution to Declare Certain Property for Sale as Surplus. Motion unanimously carried.

8. Other Business

a. Consideration to adopt Aberdeen-Pinebluff Mutual Aid Agreement.

A motion was made by Commissioner Farrell, seconded by Commissioner Thomas, to adopt the Aberdeen-Pinebluff Mutual Aid Agreement. Motion unanimously carried.

b. Consideration to adopt an Amended Memorandum of Understanding Regarding the Rural Planning Organization for Chatham, Lee, Moore and Orange Counties.

A motion was made by Commissioner McMurray, seconded by Commissioner Shannon, to adopt an Amended Memorandum of Understanding Regarding the Rural Planning Organization for Chatham, Lee, Moore and Orange Counties. Motion unanimously carried.

c. Fire pumper purchase agreement

Manager Zell explained the amount to purchase the fire pumper truck would be \$304,000 and would be delivered 10 months after ordered. No money would be spent until after the fire pumper is delivered.

A motion was made by Commissioner Thomas, seconded by Commissioner McMurray to approve the fire pumper purchase agreement. Motion unanimously carried.

d. Consideration of Road Names: Lake Park Crossing, Pony Express Way.

Manager Zell stated the staff has come up with the road name of Lake Park Crossing for the road leading into the new Aberdeen Lake Recreation Station. Staff also came up with the name of Pony Express Way for the road at the Post Office that goes by the drop off mailbox.

A motion was made by Commissioner Wright, seconded by Commissioner Farrell to approve the road names Lake Park Crossing and Pony Express Way. Motion unanimously carried.

e. Consideration of Nine-month Moratorium on Multi-family Development.

Planning Director Kathy Liles explained the different options she had come up with for this item. Mayor Mofield explained the complexity of making this decision.

A motion was made by Commissioner Thomas, seconded by Commissioner Shannon to approve a nine-month moratorium on multi-family developments. Commissioners Shannon, Farrell & Thomas voted Yes. Commissioners McMurray and Wright voting No. Motion carried by a vote of 3 to 2.

9. Adjournment

With no further items for review or discussion, a motion was made by Commissioner Thomas, seconded by Commissioner Shannon, to adjourn the meeting. Motion unanimously carried.

Regina M. Rosy, Deputy Clerk

Elizabeth B. Mofield, Mayor

Minutes completed in
draft form on June 5, 2008

Minutes adopted on
June 9, 2008

