TOWN OF ABERDEEN
PLANNING BOARD REGULAR MEETING
July 21, 2005
MINUTES

Members Present:	Jim Thomas Mike Dunn Elease Goodwin Kemp Lowder Ray Bosworth Maurice Holland Bill Prevatte, In-Town Alternate Elaine Smith, ETJ Alternate
Members Absent:	Roger Bone
Staff Present:	Giles Hopkins, Planning Director Heather Brown, Deputy Planner Patti Jilson, Admin. Planning & Code Technician
Others Present:	Mark Newell, George Carr, John Davenport, John Stec, Robert Ferrell, Bob Koontz and several other citizens.

I. Call To Order:

Chairman Thomas called the meeting to order at 7:01 pm.

Giles Hopkins opened the floor for nominations for Chairman. A nomination was made for Jim Thomas to serve as Chairman. Chairman Thomas notified the Board that he will be having surgery to restore his hearing. He wanted to make sure the Board understood this is an experimental surgery and there are no guarantees that his hearing will be restored. With no further nomination, Mr. Hopkins closed the floor for nominations. The Board voted unanimously to elect Jim Thomas as Chairman for a one (1) year term ending June 30, 2006. The floor was then opened for nomination for Vice Chairman. A nomination was made for Elease Goodwin to serve as Vice Chairman. With no further nominations, Mr. Hopkins closed the floor for nominations. A vote was taken and the Board voted unanimously to elect Elease Goodwin as Vice Chairman for a one (1) year term ending June 30, 2006.

Chairman Thomas then appointed Patti Jilson to serve as Secretary to the Planning Board.

II. Approval of Minutes – Regular Meeting of June 16, 2005.

Kemp Lowder made a motion, seconded by Mike Dunn, to approve the minutes of the Regular Meeting of June 16, 2005. Motion unanimously carried.

III. Old Business:

A. Application for Conditional Use Permit CU#05-01 submitted by Beacon Management for a Residential Planned Development to be located on the east side of Poplar Street directly across from Bonnie Brook Road in the R-20 Residential District.

The Public Hearing for this matter was held Monday, May 9, 2005 with some opposition from the community. Mr. Dunn raised the question of the restoration of the Page House. Mike Carr with Beacon Management explained due to infestation of termites and structural damage it is not feasible to restore the house. He proposed to do a reproduction of the house which would house the office, club center and laundry facilities. The reproduction would be identical to the original Page House. Mr. Carr also stated that the duplexes will have side entrances which gives the appearance of single family homes.

Mr. Bosworth asked if the traffic study information could be given. John Davenport the traffic engineer who conducted the study stated the planned development for this site would have little to no effect on the current traffic.

Mr. Lowder asked Mr. Hopkins if CU#05-01 is not approved, with the R-20 Residential District zoning what could be built by another developer. Mr. Hopkins stated that the area could be sub divided and hold around 20 home depended on the configuration.

Following further discussion a motion was made by Mike Dunn, seconded by Elease Goodwin, to deny and recommend denial of Application for Conditional Use Permit CU#05-01 to the Town Board of Commissioners based on finding G. Motion carried 6-2, with Kemp Lowder and Ray Bosworth voting no.

B. Application for Conditional Use Permit CU#05-04 submitted by Stainback Family Trust for a Residential Planned Development to be located in an R-20 Residential District.

There was a brief discussion concerning conditional use CU#05-04. Mr. Hopkins asked the Board to make note of changes regarding density tabulations for Phase 1; 0-40 Townhouses and 0-40 Cottages have been removed.

A motion was made by Kemp Lowder and seconded by Ray Bosworth to make the following findings:

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

B. That the conditional use 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;

C. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

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

E. That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided;

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

G. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located except as such regulations may in each instance be modified by the Board of Commissioners pursuant to the recommendation of the Planning Board.

attach the following additional conditions:

1) Due to the size of the project and planning from a conceptual perspective, the following items shall be required upon submittal of the site plan for commercial, townhomes and amenity centers once the petitioners, engineers and surveyors have had the opportunity to do more specific site evaluations for each along with the requirements of Section 154.32 Information To Be Contained In Or Depicted On Preliminary and Final Plat.

a) <u>Existing features</u>
Trees 12” or more identified

b) <u>Proposed changes in Existing Natural Features</u>
Tree line
Trees 12” or more identified
All water bodies including floodways and plains

c) Proposed changes in Existing Man-made Features
Storm water & drainage facilities
Above ground utility lines
Exterior lights

d) Proposed changes in Existing Legal Features
Property lines with dimensions
Utility or easement lines
Deed book with page reference

e) Proposed New Legal and Man-made Features
Number of square feet in each lot
Total number of lots
Lot dimensions
Building and Sign Locations with dimensions
Location and dimensions of recreational areas
Curbs, gutters, cuts and drainage grates
Storm water management plan as approved by the state of North Carolina to protect the existing water bodies and open space from any adverse effects
Bridges if needed
Outdoor illumination
Underground utility lines
Above ground utility lines
Fire hydrants – locations to be approved by appropriate Fire Department
Refuse facilities for any commercial structures
Vehicle accommodation areas for any commercial structures
Proposed plantings or constructions devices to meet all screening requirements including names, distances between plants, height, expected mature height and widths
Driveway permit from the Department of Transportation

2) Regarding Commercial Development
a) Elevations of new commercial buildings and exterior remodeling of existing structures showing heights, widths, materials.
b) Meet all requirements of Section 155.139 Business Signs (A)(5) Freestanding Signs with the following exceptions:
i) Two monument signs shall be allowed at the two northernmost entrances to the Neighborhood Center.
ii) Each of the two monument signs shall be no greater than 38 sq. ft. and no part of the sign shall exceed 5 feet in height.
c) Signs within the Neighborhood Center shall meet the requirements of Section 155.139A Master Sign Plan.
d) The maximum allowable square footage for the Neighborhood Center shall be 60,000 sq. ft. including the proposed out parcel.
e) No single tenant in the Neighborhood Center shall occupy more than 45,000 square feet.
f) Refuse facilities, mechanical equipment and utility equipment shall be to the rear of the building it serves and shielded from any roadway or adjacent property by means of an opaque screen as provided in Section 155.198 Description of Screens.

g) Trash compactors shall only be used during the hours of 7:00 AM to 7:00 PM.

h) An opaque screen shall be provided along US 15-501 Highway between any commercial use and adjoining residentially zoned property as provided for in Section 155.198 Description of Screens. This screen shall have a minimum depth of 15 feet measured from the street right-of-way.

i) Any development other than single family dwellings must follow the site plan approval process.

j) Uses within the commercial area shall be limited to the permitted uses allowed in the B-3 Neighborhood Transitional District (banking and related financial services, beauty and barber shops, churches and other religious activities, office for business, governmental, medical, professional, union, civic, charitable, political, fraternal, social and religious offices, retail sales of goods stored and displayed entirely interior to the principal structure on the lot, single family dwellings, two-family dwellings and multiple family dwellings with dimensional requirements as in the R-10 Residential District, Repair shops, including: electrical appliance repair, shoe repair, radio and televisions repair, computer repair and similar uses with all activity and storage to be entirely interior to the principal structure on the lot, insurance offices and real estate offices, and florist and printing shops.).

3) <u>Residential Signage</u>

a) One monument sign will be located at the primary entrance to the development not to exceed 32 sq. ft. in area per side and no greater than 5 feet in height.

b) All other entrances to the residential development shall be allowed one monument sign not to exceed 16 sq. ft. per side and no greater than 4 feet in height.

4) <u>Amenity Centers</u>

a) Amenity centers will provide recreational areas and activities for the Legacy community only.

b) Parking within these facilities will be provided to meet the requirements of Section 155.120 Off-Street Parking and Loading Requirements as final uses are determined.

c) A semi opaque screen no less than 15 feet deep shall be established and maintained at all times between any amenity center and residential use not separated by a street/road.

d) Site Plan approval must be obtained prior to construction of any amenity center.

e) Any setback encroachment for the amenity centers will be reviewed and determined during the site plan approval process.

5) <u>Streets/Roads/Sidewalks/Lighting/Water/Sewer</u>

a) All streets/roads shall be constructed with vertical concrete curbs and gutters.

b) All streets will be interconnected unless site conditions require the use of a cul-de-sac.

c) The use of cul-de-sacs will be limited and only used where topography or other site conditions dictate.

d) Sidewalks and/or pedestrian trails, with a minimum width of 5 feet will be provided per the Pedestrian Circulation Plan.
e) Sidewalks must be provided for all streets/roads, including cul-de-sacs.
f) Any areas where tree save is within 15 feet of the roadway, street tree planting may be suspended to allow for existing mature trees to remain.
g) Any outdoor lighting shall meet the Town of Aberdeen Street Light Policy and Guidelines.
h) All streets, water lines and sewer lines shall be turned over to the Town upon proper installation and completion.

6) Density Tabulations

Due to the size of this project, the developer may find that more lots can be created or lost in each phase due to topography. Therefore, the following tabulations shall be used for each phase:

Phase 1

Residential

50-140	Single-family 65' lots
50-110	Single-family 70'-80' lots
30-80	Single-family 100' lots
230	Total Units Not To Exceed

Phase II

Residential

30-60	Single-family 65' lots
35-80	Single-family 70'-80' lots
35-60	Single-family 100' lots
185	Total Units Not To Exceed

Phase III

Residential

50-70	Single-family 65' lots
80-100	Single-family 70'-80' lots
35-55	Single-family 100' lots
225	Total Units Not To Exceed

Phase IV

Residential

25-40	Townhomes
25-40	Cottages
75	Total Units Not To Exceed

Commercial/Retail

Not to exceed 60,000 sq. ft.

7) Completion of Phases

a) 50% of active phase must be complete prior to development of the next sequential phase with one exception:
b) Phase IV can be developed out of sequence provided 50% of Phase 1 is complete and the final plat for Phase II has been approved.

8) Residential Development

a) The minimum required finished heated area per single family dwelling shall be no less than:

100' lots – 2000 sf. (increase from required 1400 sf.)
70'-80' lots – 1800 sf. (increase from required 1400 sf.)
65' lots – 1600 sf. (increase from required 1400 sf.)
Cottages – 1000sf. (decrease from required 1400 sf.)
Townhomes (per unit) – 1200 sf. (decrease from required 1400 sf.)

b) Setbacks shall be as follows:

100' lots – 35' front
15' side
50' rear (increase from required 30')
70'-80' lots – 35' front
10' side (decrease from required 15')
50' rear (increase from required 30')
65' lots – 25' front (decrease from required 35')
5' side (decrease from required 15')
50' rear (increase from required 30')

Commercial and amenity centers to meet requirements per code.

c) As it pertains to residential lots abutting the golf course, a minimum 30 foot rear conservation easement shall be maintained measured from the rear property line. Within this easement the removal of any and all trees over a five inch caliper shall be prohibited. Undergrowth and brush may be cleared to prevent stunting growth of more mature trees. Should a property owner remove a tree(s) with a caliper greater than five inches, the total caliper removed shall be calculated and the owner shall be required to replace them with such tree(s) equal to the calculated caliper removed. Replacement trees shall have no less than a three inch caliper and must be of the same species. Example: A 12 inch caliper tree is removed. This tree could be replaced with four three inch caliper trees which would equal the total caliper removed. The owner of the property where replacement planting is required shall be responsible for the maintenance of such and replacement of any tree that should die. Replacement shall be enforced by the Architectural Review Committee of the established Homeowner's Association.

d) Each cottage shall be separated by a minimum of 20 feet.

e) No part of the development shall be used for anything other than single family dwellings except as permitted site specific in Phase I and Phase IV.

f) An association shall be formed and made part of any covenants for the care and maintenance of all property and the exterior of any structure other than single family residential dwellings on individual lots.

g) The developer shall be responsible for all refuse collection until such time the property may be annexed.

h) Townhomes shall be grouped in buildings of no more than three units.

and approve and recommend approval of Application for Conditional Use Permit CU#05-04 to the Town Board of Commissioners. Motion unanimously carried.

C. Application for Rezoning RZ#05-03 submitted by Ribera-Dixon Development, LLC to rezone property located on the east side of NC 5 Highway between Turning Leaf Way and Olivia Lane from R-20 Residential District and HC Highway Commercial District to R-10 Residential District.

A motion was made by Mike Dunn and seconded by Elease Goodwin to rezone only that portion of the property which is now HC Highway Commercial to R-20 Residential District and recommend the same to the Town Board of Commissioners. Motion unanimously carried.

IV. Staff Report:

Mr. Hopkins handed out a draft of the Comprehensive Land Development Plan Packet to the Planning Board and asked that they bring any recommendations or suggestion to the August meeting. Mr. Hopkins informed the Board that many new projects are under development and the planning department will be very busy in the near future. He requested all members attend the August 8, 2005 Public Hearing.

Mr. Hopkins explained the Planning Board received all information in their agenda packets concerning the June reports regarding Building Code Enforcement and Planning and Zoning Permits issued.

The next Regular Meeting of the Planning Board is scheduled for Thursday, August 18, 2005.

V. With no further items for discussion, the meeting adjourned at 8:20 p.m.

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Patti Jilson,
Administrative Planning & Code Technician