

**TOWN OF ABERDEEN
PLANNING BOARD REGULAR MEETING
MARCH 17, 2005
MINUTES**

Members Present: Ray Bosworth
Mike Dunn
Elease Goodwin
Bill Prevatte, In-Town Alternate
Jim Thomas, Chairman

Members Absent: Roger Bone
Maurice Holland
Kemp Lowder

Staff Present: Giles Hopkins, Planning Director
Heather Brown, Deputy Planner

Others Present: Rick Noyse, Dan Maples Design, Inc.
Chris Jordon, O'Connor Company

I. Call To Order

Chairman Thomas called the meeting to order at 7:02 pm.

II. Approval of Minutes - Regular Meeting of February 17, 2005.

Mike Dunn made a motion, seconded by Elease Goodwin, to approve the minutes of the Regular Meeting of February 17, 2005. Motion unanimously carried.

III. Old Business.

None.

IV. New Business.

- A. Application for Conditional Use Permit CU#05-02 submitted by Partners In The Pit for a residential planned development to be located on the north side of Pit Link Lane.

Mr. Hopkins stated residential planned developments were a conditional use in the R-20 Residential District and could be allowed with a conditional use permit. He stated that as the code currently reads, all site plan material for development must be submitted along with any Application for Conditional Use Permit. Mr. Hopkins also stated he would recommend allowing the completion of the development within five years of approval as opposed to three years as stated by the zoning code.

There was lengthy discussion regarding the dumping of chemicals on this particular piece of property. Mr. Rick Noyse, Dan Maples Designs, informed the board the dump site was further west than this development is proposed to be located. Members of the board stated they believed the site was located at hole seven on the course, which is where the development is proposed. Mr. Noyse assured the board the dump site was actually closer to the sixth hole, but he also stated he would look into this matter to make sure.

A motion was made by Mike Dunn, seconded by Bill Prevatte, 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 in 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 condition:

1. All work on the conditional use must be completed within five years of board approval or the permit shall be null and void;

and approve and recommend approval of Application for Conditional Use Permit CU#05-02 to the Town Board of Commissioners. Motion unanimously carried.

(A.1.) Application for Site Plan Review SP#05-04 submitted by Partners In The Pit for a residential planned development to be located on the north side of Pit Link Lane.

A motion was made by Ray Bosworth, seconded by Mike Dunn, to approve and recommend approval of Application for Site Plan Review SP#05-04 to the Town Board of Commissioners contingent upon the board's approval of Application for Conditional Use Permit CU#05-02. Motion unanimously carried.

B. Application for Rezoning RZ#05-01 submitted by Elease Goodwin to rezone property located on the northwest corner of Maple Street and Pine Street from I-H Industrial (Heavy) District to B-1 Central Business District.

Mr. Hopkins asked Chairman Thomas to allow Mrs. Goodwin to abstain from discussion and voting on this item due to personal interest. The board agreed. Mr. Hopkins stated the property proposed for rezoning is only a part of a much larger parcel of land owned by the railroad. He informed the board Mrs. Goodwin would like to purchase a building which is located on this land and lies between Maple Street, Pine Street and the railroad tracks to the northwest. Mr. Hopkins stated the minimum required lot area in the I-H Industrial (Heavy) District is one acre. To meet this lot requirement, a portion of the railroad track would have to be included and the railroad will not agree to this. He stated the B-1 Central Business District has no minimum lot area and provides for other retail uses. Some members of the board stated there were no descenters at the public hearing and many in the audience were looking forward to some changes with the property in question. Following discussion, a motion was made by Mike Dunn, seconded by Bill Prevatte, to approve Application for Rezoning RZ#05-01 and recommend approval

to the Town Board of Commissioners. Motion carried 4-0 with Mrs. Goodwin abstaining.

- C. Proposed Zoning Code Text Amendment ZA#05-01 concerning adding adult novelty retail as a conditional use in the HC Highway Commercial District.

Mr. Hopkins explained that this amendment came about in an attempt to clarify a “grey area” of our zoning code regarding adult entertainment and like uses. He stated there are currently five types of uses in the HC Highway Commercial including adult bookstore, adult motion picture theaters, adult entertainment, any physical culture establishment, masseur or massage parlor and adult motels and hotels. Mr. Hopkins added that by including adult novelty retail, we will only strengthen our zoning code regarding adult entertainment.

Mr. Bosworth stated he felt this was in good keeping with our community character and made a motion, seconded by Elease Goodwin, to approve and recommend approval of Zoning Code Text Amendment ZA#05-01. Motion unanimously carried.

- D. Application for Site Plan Review SP#05-03 submitted by O’Connor Company of NC, Inc. for a commercial building to be located on the corner of NC 5 Highway and O’Connor Place.

Mr. Hopkins stated that as the zoning code is currently written, this site plan meets all applicable codes. He also stated that sidewalks could be required at the discretion of the Board of Commissioner, but he would not recommend them in this location because it is in an industrial park. The board agreed and stated that decision should be made by the Board of Commissioners.

Following discussion, a motion was made by Mike Dunn, seconded by Elease Goodwin, to approve Application for Site

Plan Review SP#05-03 and recommend approval the Town Board of Commissioners. Motion unanimously carried.

V. Other Business.

None.

VI. Staff Report.

Mr. Hopkins informed the board the Watershed Subcommittee was continuing to meet with the county regarding receiving a portion of the county's allocation. He stated he felt we were moving the right direction and would be able to come to an agreement over the next few weeks. The next meeting of the subcommittee will be April 5, 2005.

There was review of local development including Glen Laurel and Aberdeen Commons as well as proposed development along NC 5 Highway and US 15-501 Highway.

Mr. Hopkins stated Jason Epley, NC Community Development, hoped to attend the April 21, 2005, Planning Board Meeting and have a draft Comprehensive Land Use Plan for the board to begin reviewing.

The board was also informed of three terms which will expire June 30, 2005. The terms belong to Mike Dunn, Elise Goodwin and Maurice Holland. Mr. Hopkins asked these members to let him know if they were still willing to serve and he would pass this along to the Board of Commissioners when the time came.

Due to a conflict of schedules for the May 19, 2005, Regular Planning Board Meeting, Mr. Hopkins asked the Board to consider meeting one week prior or one week later than usual. He stated he would have further discussion with Chairman Thomas.

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

The next Regular Meeting of the Planning Board is scheduled for Thursday, April 21, 2005.

VII. Adjourn.

With no further items for discussion, the meeting adjourned at 7:47 p.m.

Heather N. Brown, Deputy Planner