

MINUTES
The Regular Meeting of the
Aberdeen Planning Board

May 17, 2012
Thursday, 6:00 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

The Aberdeen Planning Board met Thursday, May 17, 2012 at 6:00 p.m. for their Regular Board Meeting. Members present were Chairman Johnny Ransdell, Vice Chair Sarah Ahmad, Bob Rigsby, and Owen Gallagher. Joe Dannelley and Janet Peele were unable to attend. Others in attendance were Planning Director Kathy Liles, Senior Planner Pamela Graham and Permit Technician Jenni Secrist.

1. Call to Order

Chairman Johnny Ransdell called the meeting to order at 6:00 p.m.

2. Old Business

- a. Conditional Use CU#12-02 for High Volume Retail Use in the Highway Commercial (HC) District on three properties identified by LRK#'s: 50835, 50831, and 52972 submitted by Moseley Real Estate Advisors.

Chairman Ransdell began the meeting by saying this was not a public hearing. Anyone from the public will be given the opportunity to speak, but this is not an official public hearing. Director Liles confirmed that the official public hearing for this item will be June 11, 2012.

Director Liles stated since the last meeting there has been email correspondence with the applicant and staff, which included the revised staff report provided to the Board. She explained the report was a response from the applicant. There has been additional discussion with DOT regarding the use of Washington Street and what would happen with some model changes. Director Liles asked the applicant to discuss their stand on the conditions.

The applicant discussed the changes they made to the conditions provided.

The applicant stated, of the twenty-three conditions submitted by staff at last week's meeting, they are in agreement with eleven as written, eight conditions with minor modification, two conditions with some substantial changes, and the applicant would like to add one condition that references signage and adds additional clarification. Finally, the applicant pointed out there was one condition they did not agree with.

The applicant's list of 23 Conditions including changes are as followed:
(Numbering corresponds with the modified staff report.)

Condition number 2: The applicant stated the only change they made was to specify the permit referenced in this Conditional Use Permit (CUP) for Parcel A. Chairman Ransdell stated that was a big question, if the board was approving a

CUP for Parcel A only. The applicant stated the CUP will be tied to the whole development.

Condition Number 1: The applicant is suggesting modification to allow the other parcels to be approved as they were presented as a part of the Traffic Impact Analysis (TIA). The TIA was required because the traffic impact was over 600 trips a day. The applicant did account for development on both Parcels B and C in addition to the Pharmacy on Parcel A. Chairman Ransdell stated one of the sticking points for them is approving a CUP that goes with a piece of land where the properties or parcels that show no development plan. Director Liles stated when submitting an application for a CUP, all of the land, all of that parcel that you have submitted in that application becomes subject to that CUP. To reconfigure the properties into the proposed development activities that they are looking at resulted in all three of the parcels being tied to this development in some way and when that happens you grant a CUP for all three parcels. Director Liles stated the Board can specify how those parcels are used. She also stated the Board can specify that if the applicant submits an application for something that is already a use by right in that district and they have already met the traffic impact requirements through the CUP, and then they can get staff approval and not have to go through the process of presenting to the Board. The Board can request that if the applicant makes any changes at all; they will have to submit it as a change to the CUP and be required to go through the Board. Mr. Rigsby stated for Parcel C, you can issue a conditional use permit even though they don't have anything going in. Director Liles stated yes because the only thing the CUP for Parcel C is permitting is the construct of a driveway. Mr. Rigsby asked what if they do not put a driveway in. Director Liles stated that can be something that gets removed as a result of a condition. Chairman Ransdell stated, in other words if we look at it as a single parcel we would be doing a CUP for the pharmacy and the entire tract because of the TIA, but this will not allow someone to put something in that is not already allowed in that district. Director Liles stated for example, if you use Parcel C, which is in the B-3 zoning district, if someone were to try to come in and apply for a use by right they would be able to, but if they were to try to apply for say a hotel that would probably require a zoning change and a conditional use permit in and of itself because that would not be authorized by this CUP. The applicant stated what they were trying to accomplish is a specific CUP for the Pharmacy and any potential uses that would typically be approved in the highway commercial district so that they will not have to do another traffic analysis in the future for that individual parcel.

The applicant went through the changes made to the modified Staff report as submitted. See attached modified staff report.

Condition Number 12: The applicant stated, Freestanding Signage shall allow for one sign on Parcel A to service those businesses located on Parcel A and C and one sign on Parcel B to service those businesses located on Parcel B. The applicant provided pictures as examples. Vice Chairman Ahmad questioned why this would not be a zoning approval. Director Liles stated the Town does not provide for off premise signage. She believes the applicant is asking the Board to look at this as an integrated development parcel recognizing there will be two free standing signs and signage on Parcel A also serves Parcel C.

The applicant stated, building signage shall be allowed such that single tenant buildings shall have signage on no more than two building elevations. No single business shall be allowed signage on more than three building elevations. Dimensions, height, square footage and content shall be consistent with what is allowed in the UDO. He stated, CVS would be allowed two elevations, but any multi-tenant buildings would be allowed up to three elevations with no business allowed more than two signs. This would need to be reflected in the conditions. Ms. Ahmad asked how this would fall under the zoning compliance. Director Liles stated that when you are looking at a zoning compliance for multiple signage you are looking at a corner building where there is frontage on at least two public streets. Ms. Graham clarified the language states multiple signage is allowed on buildings where the parcel fronts two public streets, which is not the case with this site. Chairman Ransdell asked if that was something we would have to cover in a condition. Director Liles stated as of now this proposal would not be allowed in accordance to the UDO. If you are willing to consider the proposed building signage language as submitted by the applicant, it will need to be reflected in a condition.

Condition Number 3: The applicant requested this condition to be removed.

Mr. Ramey Kemp of Ramey Kemp and Associates stated he removed the traffic going out of and into Washington Street and distributed it to the other exits. The changes included 15 outbound movements during a one hour period out of US Hwy 1 and seven inbound movements from US Hwy 1. This caused a one second difference in delay at the US Hwy 1 and 15/501 intersection. Mr. Kemp explained, they met with DOT and they all agreed there is very little difference if the Washington Street access is removed. Mr. Ransdell asked about the right-in/right-out issue. Mr. Kemp stated DOT did not indicate they had problem with this. Mr. Ransdell asked if there would be a significant problem removing the Poplar Street access. Mr. Kemp did not feel this would cause a significant change. Mr. Kemp stated, they did discuss the design of the right-in/right-out and the signal entrances, and there were no issues with their design. Ms. Ahmad asked if this would include trucks to enter and exit. Mr. Kemp stated, yes it would.

Mr. Ransdell asked if the members of the public would like to speak. Ms. Leah Chandler from 1602 N Poplar St. would like to say she is fully against the Poplar Street exit. Mrs. Mary Williamson, also a resident on Poplar Street also expressed her concerns against an exit onto Poplar St. Ms. Kathy McLean presented the board with a petition from several residents on Poplar St. She stated her neighbors do not want this exit onto Poplar Street and explained they were both shocked and angered by the proposal. She stated this will cause the properties to depreciate in value greatly because of this entrance/exit.

Chairman Ransdell explained the Conditional Use Permit will be considered by the Board of Commissioners, and the Planning Board can only make recommendations to them. We have to remember as a Board that a property owner is allowed to develop their property as allowed through the Town Ordinances. He believes that the best plan would be to have all accesses at US Hwy 1 with no access by Poplar Street. He did state at some point the property on Poplar St. can be developed as any B-3 district is allowed, and they will have a right to access. Chairman Ransdell stated, this proposal will not change the

amount of traffic but will only affect the traffic pattern. He recommends the removal of access at Poplar Street until Parcel C is developed.

Mrs. Ahmad asked about parking and stated she is concerned that we do not know what is going to be placed on these parcels and is concerned there will not be adequate parking.

After further discussion the Board agreed on the following conditions:

1. Conditional Use Permits run with the land and as such this conditional use permit applies to the entirety of all three properties reflected in LRK# 50831, 52972 and 50835. An amendment to the CUP is needed to remove property from the CUP or to make changes to the CUP. If an activity is a use by right, it is not subject to the CUP. If a use is provided for in the TIA then it shall be allowed without modifying the conditional use permit so long as the plans submitted for such use are consistent with plans submitted with the approved CUP. However, a complete Site Plan and all construction detail for each Parcel must be approved by Planning and Public Works before a zoning compliance permit is issued for each Parcel.
2. The pharmacy use is authorized through this Conditional Use Permit for Parcel A; however, a complete Site Plan and all construction detail must be approved by Planning and Public Works before a zoning compliance permit is issued.
3. Approval of this conditional use permit does not confer approval of any construction detail provided on the project sheets or of a required Site Plan. Construction details and Site Plan must be reviewed by Planning and Public Works prior to finalization of a zoning compliance permit for the project and any required submittals to DENR for permits.
4. Water distribution, sewer collection, and Sedimentation and Erosion Control Permits must be received from DENR and provided to the town before clearing and construction begins. No clearing may commence until an approved Zoning Compliance Permit has been issued, which is contingent on Site Plan approval.
5. Revised plans depicting all roadway improvements and driveway access permissions must be approved by the town and NCDOT as appropriate before clearing and construction begins.
6. Reduce parking such that a maximum of 66 spaces is not exceeded. Show parking on the plan as well as parking space dimensions and materials. These spaces should apply to Parcel A only. Future project construction will be reviewed at time of submittal.
7. Vehicle accommodation areas shall comply with Appendix D of the UDO. Any deviation from Appendix D must be authorized by the Public Works Director.
8. Identify truck loading and unloading areas on the site plan. They must demonstrate adequate unobstructed ingress and egress, be to the side or rear and all dumpsters and compactors shall be screened from view from public streets and adjacent properties.

9. Drainage and stormwater management details and calculations must be submitted to Planning and Public Works prior to submittal to DENR. The Town must approve the stormwater management plan. A copy of the DENR Sedimentation and Erosion Control Plan must be provided before a Zoning Compliance Permit is issued. NCDOT must accept stormwater discharge from the site as part of the permitting process.
10. Permit is void without written approval by Mr. Black to the Town for the proposed transportation improvement and access closure changes. A copy of all proposed changes shall be attached to the approval.
11. The final approved site plan shall reflect all relevant easements/rights-of-way to the town including any easements for public utilities, sidewalks, and drainage.
12. As part of an Integrated Development Plan, freestanding signage shall allow for one sign on Parcel A to service those businesses located on Parcel A and C and one sign on Parcel B to service those businesses located on Parcel B. Building signage shall be allowed such that single tenant buildings shall have signage on no more than two building elevations. No single business shall be allowed signage on more than three building elevations. Dimensions, height, square footage and content shall be consistent with that allowed in the UDO. Signage requires a Zoning Compliance Permit and is not approved as a result of the conditional use permit.
13. All proposed road improvements must be reflected on the site plan, including those mandated by NCDOT. All NCDOT issues identified in their letter of April 30, 2012 must be addressed before the site plan is finalized. This includes Site 2 approval by DOT with right-in/right-out and appropriate turn space for large delivery trucks. Limit to two access points only on US 1, one being the full service signalized access point and the other being the right-in and right southern access point built to NCDOT standards. At such time as Parcel C is developed, access will have to be brought back to the Board for approval.
14. Sidewalks are to be replaced along US 1 where damaged or removed as part of street construction activities. Three lane access shall extend to the stub out to Parcel C.
15. Bicycle parking shall be provided at the time of construction of vertical improvements on each parcel. Post and loop or inverted U parking is recommended.
16. The applicant's final approved photometric plan (lighting plan) shall be required to either achieve IESNA standards across the site while maintaining acceptable uniformity ratios or meet the standards proposed for the HCOD as determined by Staff.
17. The proposed improvements should include a grass strip (3' wide minimum) between the proposed sidewalk and the proposed back of curb along US Hwy. 1.
18. The final site plan must be approved by the Fire Department to ensure that all safety issues are addressed including fire service flow, hydrants, and emergency vehicle access.

19. This project will require a recombination plat that accommodates all requirements of the conditional use permit and creates the individual parcels. Easements shall be acquired from the adjacent properties, specifically where the proposed primary entrance impacts the Black's property to the North and shown on a recorded recombination plat for the project.
20. The applicant must provide screening throughout the site consistent with the landscape requirements in the UDO. Such requirements shall be satisfied around the perimeter of the entire development with the exception of the portion of the development adjoining the Black's Property. Such screening shall be installed at the time of construction on each Parcel and shall not be required between each individual parcel. A warm season sod shall be chosen.
21. The applicant shall confirm with the US Fish and Wildlife Service that this site does not provide required habitat for Red-Cockaded Woodpeckers.
22. Any site plan requirements that have not been met for Parcels A, B or C must be satisfied before a zoning compliance permit may be issued. Final site plan approvals must be granted by Fire, Public Works and Planning Departments to ensure all code requirements are satisfied as well as any conditions established as a result of this conditional use permit. Any field revisions are subject to review and approval under §152-65 of the UDO including insignificant, minor and major changes.
23. Applicants shall comply with the tree conservation requirements of the UDO. No trees will be allowed to be removed from Parcel C without Site Plan approval.

Bob Rigsby made a motion, seconded by Sarah Ahmad, that CU #12-02 satisfies Finding #1: subject to the proposed conditions that the project will not endanger public health or safety.

Vote: Unanimous

Owen Gallagher made a motion, seconded by Sarah Ahmad, that CU #12-02 satisfies Finding #2: subject to the proposed conditions that the project will not injure the value of adjoining or abutting property.

Vote: Unanimous

Owen Gallagher made motion, seconded by Bob Rigsby, that CU #12-02 satisfies Finding #3: subject to the proposed conditions that the project will be in harmony with the area in which it is located.

Vote: Unanimous

Sarah Ahmad made a motion, seconded by Owen Gallagher, that CU #12-02 satisfies Finding #4: subject to the proposed conditions that the project will be in conformity with the land-use plan, thoroughfare plan, or other plan (Hazard Mitigation, Pedestrian and Bicycle Plans) officially adopted by the Town Board.

Owen Gallagher made a motion, seconded by Bob Rigsby, that based on the findings of fact and the evidence presented; the Planning Board recommends approval with conditions of CU #12-02.

Vote: Unanimous

b. UDO Amendment UDO# 12-07 regarding Planning Board Representation.

Kathy Liles presented the staff report.

Owen Gallagher made a motion, seconded by Sarah Ahmad, that UDO# 12-07 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.

Vote: Unanimous

Bob Rigsby made a motion, seconded by Owen Gallagher, that the Planning Board does recommend approval of UDO#12-07 to the Town of Aberdeen Board of Commissioners.

Vote: Unanimous

24. Meeting Adjourned: 8:00pm

Johnny Ransdell, Chairman

Jenni Secrist, Secretary