

**MINUTES**  
**The Regular Meeting of the**  
**Aberdeen Planning Board**

June 21, 2012  
Thursday, 6:00 p.m.

Robert N. Page Municipal Building  
Aberdeen, North Carolina

The Aberdeen Planning Board met Thursday, June 21, 2012 at 6:00 p.m. for their Regular Board Meeting. Members present were Chairman Johnny Ransdell, Vice Chair Sarah Ahmad, Joe Dannelley, Janet Peele, Graylin King and Raymond Lee. Tim Marcham sat in for Owen Gallagher who was unable to attend. Others in attendance were Planning Director Kathy Liles and Permit Technician Jenni Secrist. Members of the public included Shelton Raynor, Joe Ussery, and Jim McSwain.

1. Call to Order

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

2. Approval of the Agenda

- a. Sarah Ahmad made a motion, seconded by Joe Dannelley, to approve the agenda as submitted. Vote Unanimous

3. Welcome new members.

Chairman Ransdell welcomed Graylin King, Raymond Lee and Tim Marcham.

4. Approval of Minutes

- a. Special Called Meeting of May 10, 2012.

Ms. Ahmad stated on page 3 Ms. McLean's address should be added and it should state she is a member of the public. She also stated "Regular Meeting" should be replaced with "Special Called Meeting."

Sarah Ahmad made a motion, seconded by Janet Peele, to approve as amended the minutes of May 10, 2012. Vote Unanimous.

- b. Regular Meeting of May 17, 2012.

Mr. Dannelley stated he was not at the May 17 meeting. Ms. Peele stated she was also unable to attend this meeting.

Joe Dannelley made a motion, seconded by Janet Peele, to approve as amended the minutes for the May 17, 2012 meeting. Vote Unanimous.

5. New Business

- a. Conditional Use Permit #12-04 submitted by Emmett Raynor for a convenience store with fuel sales on US Hwy 1 South.

Planning Director Liles presented the staff report and submitted a map of the new bridge alignment for Highway 211 and where Mr. Ussery's property is in relation to this new alignment. She stated the placement of the tanks is not known at this time and the lot is not in a watershed protection area, but it does butt up against the 500 year floodplain. Planning Director Liles stated the Town does participate in the National Flood Insurance Program (NFIP) and does have to regulate activities in the 100 year floodplain. This property is within close proximity of the 100 year floodplain but is not within it.

Planning Director Liles stated the new requirement in the UDO states that if you generate more than 600 trips you would need to prepare a Traffic Impact Analysis (TIA). This project would not fall under this requirement therefore it is not necessary for TIA on the project.

Planning Director Liles stated the applicant is looking to get approval for the use and Staff is aware more information will be required for site plan approval.

Planning Director Liles stated the storage tanks would be either above ground or underground. In the State of North Carolina the Department of Environmental and Natural Resources will regulate the installation of underground storage tanks but not above ground storage tanks which are regulated by the local fire department. The applicant has shown seven parking spaces on their site plan, but is only required to provide five. Planning Director Liles did ask Ms. Graham to look at the lighting standard and she recommended Highway Corridor Overlay District (HCOD) lighting standards to be considered.

Planning Director Liles stated the Water and Sewer has acceptable access according to Public Works. Landscaping and screening buffer along Highway 1 have been provided. The North and East properties are naturalized and are not likely to be developed. Ms. Graham recommended buffering on the southern portion of the property. Planning Director Liles does not see a need to require buffering on the North and East sides. She feels this project will not be inconsistent to the 2030 Land Development Plan. Sidewalks are required on all developments and will accommodate the bicycle and the pedestrian plan.

Mr. Dannelley asked the applicant if they had any idea of the placement of the tanks. Shelton Raynor stated he suggests underground tanks but is not qualified to make a decision on the placement of the tanks. Mr. Dannelley requested an example of places with above ground installations. Planning Director Liles said McNeil Oil on North Sandhills Boulevard has above ground tanks. Mr. Dannelley asked if the parking spaces include 5 spaces plus a handicap space or is the handicap space included. Planning Director Liles stated the parking requirements are based on the square footage of the building and the applicant has suggested adding more spaces than required. Mr. Dannelley agreed with the lighting requirements.

Ms. Ahmad asked a question regarding the water quality issue if a conditional use permit is issued and a problem arises with environmental issues will the applicant still be able to put the tanks in. Planning Director Liles stated there were no regulations that prohibit them from putting tanks at that location. There are some run off concerns and staff will do a review of the plans to make sure everything is working correctly. Ms. Ahmad asked what if it will not work.

Planning Director Liles stated the applicant can either redesign so that it will work or the applicant can reapply for a minor or a major change to the CUP. If it is considered to be an insignificant modification staff is authorized to review and approve that modification. A minor amendment to the CUP will go straight to the Board of Commissioners A major modification will have to go through the same review process and will return to the Planning Board. Chairman Ransdell asked if the old tanks have been removed. Planning Director Liles stated they should have been removed. Mr. Raynor stated they have been removed. Chairman Ransdell asked if the storage buildings will be removed. Mr. Raynor stated the portable building will be removed. Chairman Ransdell suggested the applicant speak with NCDOT because they will require a driveway permit. Planning Director Liles stated she did talk to Marty Tillman with NCDOT, but Mr. Tillman is still fairly new and did not know of any discussion concerning this project. She has asked for additional documentation concerning this issue. Chairman Ransdell stated the sidewalks will be in the NCDOT right of way and an encroachment agreement will be needed.

Mr. King asked if NCDOT has plans to put in a third lane to make a new right turn lane onto Highway 15-501 from Highway 211. Mr. Ransdell stated DOT may not be putting in a new turn lane but if they are he suggest the applicant talk with them.

Planning Director Liles stated she would like to add an additional condition for NCDOT encroachment and Mr. Dannelley suggested adding the HCOD lighting requirements also.

Joe Dannelley made a motion, seconded by Janet Peele, that CU#12-04 is complete as submitted. Motion unanimously approved.

Sarah Ahmad made a motion, seconded by Raymond Lee, CU#12-04 does not satisfy Finding #:1 will not endanger public health or safety due to incomplete information of an environmental study. Vote unanimously carried.

Joe Dannelley made a motion, seconded by Sarah Ahmad, that CU#12-04 satisfies finding #2: will not injure the value of adjoining or abutting property. Vote Unanimously carried.

Joe Dannelley made a motion, seconded by Graylin King, that CU#12-04 does satisfy finding #3: will be in harmony with the area in which it is located. 5 yes 1 no by Sarah Ahmad. Janet Peele has abstained.

Janet Peele asked if this would be a 24 hour market. Mr. Ussery stated that it is not determined at this time. Mr. Ussery was asked if he had to guess he would say the hours of operation may be 6:00a.m. to 11:00p.m.

Ms. Ahmad asked about the bicycle plan.

Sarah Ahmad made a motion, seconded by Janet Peele, that CU#12-04 satisfies finding #4: 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, subject to recommended conditions. Vote unanimous

Planning Director Liles read through the conditions for the Board:

1. Conditional Use Permits run with the land and as such this conditional use permit applies to the entirety of the properties reflected in LRK# 57202 and 56601. 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.
2. The proposed use is authorized through this permit, but all construction detail must be approved by Planning, Public Works and Fire Departments before a Zoning Compliance Permit is issued.
3. Approval of the Conditional Use Permit is contingent on approval of the site plan by staff.
4. Any and all required permits from other regulatory agencies must be in place as a condition of this approval.
5. Final site plan must indicate detailed landscaping as well as fuel storage tank locations.
6. Landscaping and screening requirements are waived along property boundaries that are shared with the Frank Shamburger heirs property as depicted on the Preliminary Map. Landscaping and screening requirements in all other areas of the site must satisfy the requirements of the UDO.
7. Plot plan shall be prepared in accordance with Article XVI, Floodways, Floodplains, Drainage and Erosion of the Town of Aberdeen UDO.
8. NCDOT driveway access permit and encroachment agreement shall be provided as acquired.
9. Project shall meet HCOD lighting standards and uniformity.

Ms. Ahmad asked if condition number 4 would cover all environmental issues. Planning Director Liles stated between the other agencies, the Fire Department and staff all environmental issues should be met. Mr. Lee asked if will that change or affect the motion number 2.

Janet Peele made a motion, seconded by Raymond Lee, to amend motion 2 that CU #12-04 does satisfy Finding #:1 will not endanger public health or safety subject to recommended conditions. Vote unanimous

Janet Peele made a motion, seconded by Raymond Lee, based on the finding of fact and the evidence presented, the Planning Board recommends approval with conditions of CU#12-04. Vote Unanimous

- b. Unified Development Ordinance Text Amendment UDO#12-08, new definition for kennels and allowing kennels as a use by right in the C-I District.

Planning Director Liles presented the staff report and read the definitions and language of the proposed amendment.

Planning Director Liles stated the applicant is requesting a use by right in the CI district. She stated after research, staff found that the request was not inconsistent with the 2030 Land Use Development Plan.

Mr. McSwain explained his facility will be a luxury facility for normal house hold pets. There will be rooms and not cages with glass doors, a rubberized floor system to reduce noise and keep the animals off concrete. There will be no cross contamination between animals. The animals will be let out through guillotine

doors three times a day for around 15 minutes in their own areas. All of this will be to reduce stress on the animal. There will be televisions for the animals and cameras for owners to be able to see their animals in each room. Mr. McSwain stated normal kennels can be measured at around 100 decibels this facility will be more around 40 to 50 decibels. He stated it is very difficult to find a site that fits the current requirements.

Mr. Dannelley voiced a concern about being too restrictive and asked if it was possible to expand on the existing language that will accommodate this request instead of creating a new amendment. Planning Director Liles stated staff ran into trouble with a change in the table of uses. Ms. Ahmad stated she would prefer to keep it as Conditional Use. Mr. McSwain stated the language he proposes is very tight. Chairman Ransdell clarified no portion of the inside kennel can be within 1000 feet of any existing residential structure. Ms. Peele asked what would happen if someone came in later to build within the 1000 foot setback. Planning Director Liles stated there is a large tract of residential district abutted to the CI district but, it would be a case in which the resident to being aware of the issue and it would be their choice to build with the 1000 foot limit. Ms. Peele stated not to target the site in question but would this be reducing the value of adjoining residential districts.

Ms. Ahmad asked if it was possible to make it a special use permit. Planning Director Liles stated the difference between a special use permit and a conditional use permit is that a special use permit is approved by the Planning Board and not the Board of Commissioners. Mr. Dannelley asked what the differences were between the different approval levels. Planning Director Liles stated the difference will be a conditional use will take up to 90 to 120 days but a special use should only be around 30 days. A staff level use by right approval cannot add conditions.

Ms. Ahmad stated she would like to look at the text amendment and not the applicant's request. By doing that she would not like to see the request as a use by right.

Janet Peele moved to table the request until alternate language can be given, motion fails for lack of second.

Chairman Ransdell stated that noise should not be an issue in the CI district because of the uses already allowed in this district. He also agreed he would like to see this as a conditional use permit. Mr. Dannelley asked if we can request the change to a conditional use, he is concerned with the use by right.

Mr. McSwain asked if he would need to resubmit and pay new fees. He stated he wanted to meet the intent of the existing code. He stated he worded the amendment the way he did so as not to have to go through a conditional use. Mr. McSwain asked if there was more stringent text to regulate the use by right rather than going to a conditional use. Planning Director Liles stated special use was still an option and explained the differences of the two.

Mr. McSwain asked how we could open the facility this year. Planning Director Liles suggests running a text amendment and a special or conditional use permit together.

Ms. Ahmad started to make motion to review the UDO text language for kennels and removed her motion.

Chairman Ransdell supports having indoor kennels as a use by right with regulations. Mr. Lee stated he was leaning toward zoning with conditions.

Planning Director Liles asked the Board if they would be willing to meet in July. All members agreed to this.

Mr. Dannelley suggested changing the language to include special use before the July meeting.

Mr. McSwain stated he does not understand how Petsmart can have animals boarding or veterinary uses when he is not allowed to have his facility. Ms. Peele stated that the change would change the rules for everyone that would want to come in and apply and not just for his use. Mr. Lee stated they will be setting precedent. Planning Director Liles stated Petsmart is a retail use and the boarding of animals is an accessory use to the main use and Petsmart was approved before the UDO was adopted.

Janet Peele made a motion, seconded by Raymond Lee, to table UDO Text Amendment #12-08 until the July 19<sup>th</sup> meeting. Vote unanimously carried.

2. Other Business:

Planning Director Liles stated she is working on scheduling training for the new members and a refresher for existing members.

3. Meeting Adjourned: 7:53pm

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Johnny Ransdell, Chairman

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Jenni Secrist, Secretary