

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

January 16, 2014  
Thursday, 6:00 p.m.

Robert N. Page Municipal Building  
Aberdeen, North Carolina

The Aberdeen Planning Board met Thursday, January 16, 2014 at 6:00 p.m. for the Regular Board Meeting. Members present were Chairman Johnny Ransdell, Vice Chair Sarah Ahmad, Tim Marcham, and Ken Byrd. Alternate Peter Koch was called to serve in one of the vacant seats. Following the swearing in of newly appointed Alternate Ron Utley, Mr. Utley was called to serve in one of the vacant seats. Others in attendance were Planning Director Pam Graham, Planner Jane Tercheria, Permit Technician Amy Fulp, Pat Mckee, and Tom Clemmons. Members not present were Raymond Lee, Janet Peele, and Kelvin Watson.

1. Call to Order

Chairman Ransdell called the meeting to order at 6:05 pm.

2. Introduction and swearing in of Ron Utley as an In-Town Alternate Member of the Aberdeen Planning Board.

Planning Director Graham introduced Ron Utley as the new In-Town Alternate Member of the Aberdeen Planning Board. Mr. Utley was sworn in, by Notary Amy Fulp, as an In-Town Alternate Member of the Aberdeen Planning Board.

3. Approval of Agenda

Chairman Ransdell stated he would like to add one item to the regular agenda; he would like to add a quick informational moment on a specific topic as the first item on the agenda at each meeting. Planning Director Graham stated we will add it to the agenda, right after call to order, as an information session.

Chairman Ransdell stated one of the things he has found to be a big issue, for anybody that is on any kind of board or has anything to do with public agencies or public documents, is the situation with email, voicemail, facebook, tweets, or other social things. He would like to remind people anything you do on these that involves public business is a matter of public record. We have to be particularly aware of this because of the open meeting laws.

Planning Director Graham stated she thinks our Town Attorney would caution us to use social tools in moderation particularly emails going out and if there is a response to those prior to a meeting then we may have some issues.

Peter Koch made a motion, seconded by Ken Byrd, to approve the agenda of the Regular Meeting for January 16, 2014. Motion unanimously carried.

4. Approval of Minutes for the Regular Meetings of October 17, 2013 and December 19, 2013.

Planning Director Graham stated Staff would like item 4a be taken off for further review.

Tim Marcham made a motion, seconded by Sarah Ahmad, to approve the minutes of the Regular Meeting of December 19, 2013 as corrected and amended. Motion unanimously carried.

5. New Business

All parties who would like to give evidence or testimony were sworn in before doing so.

- a. Request by McKee Homes for Greater Flexibility in the Approval of Minor Modifications.

Chairman Ransdell stated in the interest of public disclosure this involves Legacy Lakes and he owns property adjacent to Legacy Lakes. This is not something that prohibits him from participating or voting but he would like to disclose it.

Planning Director Graham stated we have some representatives from McKee Homes with us tonight. They have recently begun some building at Legacy Lakes. They came to the Board of Commissioners during their work session for a minor modification to make slight alterations to lot lines on three of the lots they purchased.

Planning Director Graham stated Legacy Lakes was approved as a Conditional Use permit and it is a planned development that includes a variety of lot sizes and a variety of home sizes depending on the section you are in.

Planning Director Graham stated with McKee Homes purchasing approximately 70 lots at Legacy they expect to build relatively quickly. They came to Staff with a need to alter some lot lines. The UDO basically says anything that is considered to be discernible but not substantial as far as the impact to neighboring properties, the general public, or those intended to occupy or use the proposed development, these fall into the middle category (B) considered being a minor change.

Planning Director Graham stated the UDO lays out a process where the administrator makes the determination, when a revision is requested, of which of the three categories it falls in. Depending on which category it falls in, it is decided who must make the decision of whether to approve it or not. McKee Homes did come before the Town Board on three lots and were granted modifications on them.

Planning Director Graham stated she was asked by Pat McKee if there was a less cumbersome process that they could go through if they had other similar requests. She felt like this is a matter for the Town Board since they are the ones who decide whether to approve a minor modification. The Town Board needs to decide whether this process is too cumbersome for builders, just right, could be relaxed some, or could be tightened some.

The Town Board heard this at Work Session and they directed Staff to bring it to the Planning Board for a recommendation on whether any changes to the process should occur. Planning Director Graham stated that the Planning Board is not being asked tonight to make a recommendation on whether any specific lot lines should move, you are being asked whether the process is suitable.

Planning Director Graham stated there are two options and she read the Staff's options for consideration.

1. The Planning Board may determine that lot line changes within specified parameters do not qualify as having a discernible impact, placing them in the (A) category above as an Insignificant Deviation.
2. The Planning board may entertain a proposal that staff be allowed greater discretion in approving minor lot line changes to an approved lot layout plan. In this case, staff recommends that "minor lot line changes" be defined to be within some stated parameter such as a maximum percentage change to the lot size as a result of the lot line revision or a maximum number of feet of change permitted. Examples would be that lot line revisions resulting in no more than an X% change in lot size to all affected lots or movement of X feet or less of any lot line may be approved by staff.

Pat McKee stated they came to Planning Director Graham when they purchased some lots and had the rest under contract at Legacy Lakes. The section they are building in is designated by the developer as 60 foot lots in their plans and the Town may have designated them in their approval as 55 foot wide lots. The lots in this section actually range from 43 feet to 53 or so feet, so there is wide range of lot widths.

Pat McKee stated the difficulty comes in because they like to move at a quick speed and pace. When they get a customer who wants a house they want to be under contract and move quickly. Having more consistency in lot widths helps them and helps customers select a lot and put a certain house on it.

Pat McKee stated they are looking for a simple process where they can come to the Planning Director and say we want to move this lot line a

couple of feet to build a house to accommodate the customer. They want to be able to get permits in hand and begin construction for their customers quickly.

Peter Koch asked about the 5 lots in question and changing the lot lines, in the end would they have a lot too small for someone to use. Pat McKee stated that is part of what they have to balance but they are not talking about shifting the lot lines dramatically they are only wanting to shift them a few feet to be more consistent in width.

Planning Director Graham stated on the recent request the Town Board approved lot line changes less than 5 feet. What the Planning Board should consider is that when requests are made on one, two, or three lots that the impact is less than if you start to have cumulative requests that may change the development outside of what was envisioned in the original plan. This is why Staff is saying if you consider this request and make a recommendation to streamline this process they would still like to have some parameter or a limitation on how much Staff's discretion would be in approving these before they would get additional review by the Town Board.

Ron Utley asked if the lot lines are moved 5 feet then do the existing setbacks change. Planning Director Graham stated the setbacks would stay the same but they would move with the lot line.

Sarah Ahmad asked Mr. McKee if there was any way they could redraw the lines for the lots so they could look at them all at one time. Mr. McKee stated he wished it were that simple but you get houses that are of different widths and that is really what the restriction is. They only want the ability to make minor changes and not major modifications.

Chairman Ransdell asked on minor changes what is the minimum and maximum. Mr. McKee stated 5 feet would be more than enough for what they need to accomplish but most of what they would need would be in the 1, 2, or 3 foot range.

Chairman Ransdell asked in making minor modifications to lot lines would it change the setbacks. Mr. McKee stated the setbacks will not change.

Chairman Ransdell asked if there is a specification for the Planned Unit Development as far as a certain size house or so many stories. Mr. McKee stated they have to comply with the restrictions within the community itself.

Sarah Ahmad stated she is concerned if the change for a minor modification even at certain footage is approved will it be in the text and then apply to everybody. Planning Director Graham stated it would and Staff would feel obligated to apply that same standard across the board to other requests.

Tom Clemmons, Senior Director for Mountain Real Estate Capital, stated he is responsible directly to the investors of Legacy Lakes. They feel very lucky to get McKee Homes to come into this community. Mr. Clemmons would like to encourage the Planning Board to do whatever it can to make McKee successful.

Sarah Ahmad asked if there are any other options so they would not have to change text. Planning Director Graham stated the other option would be for the Planning Board to disagree with the Planning Director's determination of which of the categories these kinds of requests fall into.

Ron Utley asked how many lots in this development now would fall under this minor modification for McKee Homes if it goes through. Mr. McKee stated they currently have 73 lots that are under contract. Of the 73 lots there are about 12 that have consistent lots lines and the rest are inconsistent. It would be hard for him to say they would have to modify all 73 but there will probably be a large number that will need to be modified.

Sarah Ahmad asked again about other options the Planning Board would have for a recommendation. Planning Director Graham stated there may be an option where the Planning Board could say the number of changes since they are already looking at the parameters on how much of a change.

Chairman Ransdell stated recommendation #2 would be a change in text but it sets some very specific parameters. If the Planning Board sets these parameters and Staff gets a request that exceeds the parameters then it falls to a major. What is needed is a specific set of guidelines which would take it off of being a judgment call for Staff to have to make and there would be a specific rule for everyone to follow.

Chairman Ransdell asked do they have a proposal or recommendation.

Motion made by Sarah Ahmad, seconded by Tim Marcham, that the Planning Board recommends to the Board of Commissioners that Staff be allowed to define minor lot line changes to previously approved plans as changes that do not alter the width of the lot more than 5 feet. Motion carried by a vote of 5 to 1.

- b. Minor Modification to Conditional Use Permit CU #07-02 Requested by Chuck Barnes.

Planning Director Graham stated Mr. Barnes is not here tonight but he is asking for a minor modification. His property is at the corner of Pee Dee Road and Parkway Drive. He had the Commerce Park approved in 2007 with the intent of building 3 buildings but with the result of the

economic downturn he only built the 2 buildings and put the project on hold.

Planning Director Graham stated Mr. Barnes has come to Staff a number of times to discuss what his plans may or may not be as he works through the process of what makes sense for the property. He now doesn't see the market for building in the way it was originally proposed. Mr. Barnes is proposing a modified site plan with a new building configuration compared to that which was originally approved. Staff has determined this change to be a Minor Modification.

Planning Director Graham has spoken with the Town Attorney concerning metal material on the exterior of the buildings for which we have pretty tight restrictions. But since there has been a plan approved that shows the third building he is allowed to build it as it was permitted in 2007.

Planning Director Graham stated what we are asking for tonight is a recommendation to the Town Board about whether the Planning Board thinks this request for a minor modification should be approved.

Planning Director Graham stated she was contacted by one of the Board members about the existing landscaping there that it does not meet the approved document in 2007 because they did lay out exactly what needed to be planted. In a conversation with Mr. Barnes he said he did plant along Pee Dee Road but DOT came along and sprayed and cut and removed some of what he did put in on that side. If he is allowed to move forward with this project then Staff would look at the landscaping to make sure he does meet what was permitted in 2007.

Ken Byrd commented he would like to see where the new construction is going to go in that it meet the shrubbery plan and the landscape plan that was previously approved.

Chairman Ransdell stated he is basically working under a previous standard and if he works under the previous standard then he needs to comply. If he is going to ask for a modification under a previous standard then he needs to make sure what he has done so far meets what was required.

Planning Director Graham read a document that Mr. Barnes presented to her.

Chairman Ransdell stated he thinks a minor modification is appropriate but he would back that up with if they are going to approve a minor modification under a previous set of standards then they need to be sure that what is lacking so far is completed.

Sarah Ahmad asked does the landscaping need to be completed before the minor modification can be approved. Planning Director Graham stated no, they can say before he receives a Certificate of Occupancy that those items be in place.

Ron Utley asked was landscaping determined on the third building, and if so, since the building is changing would it change the landscaping. Planning Director Graham replied Mr. Barnes was supposed to place across the front 8 tall trees, 12 understory trees, and 30 shrubs and she thinks it can be done on the new plan.

Motion made by Ken Byrd, seconded by Ron Utley, to classify this as a minor, that he is grandfathered in with the building materials, but he must meet the landscaping standards that were originally imposed and if he cannot he must come back to the Planning Board for them to weigh in on it again. Motion unanimously carried.

c. Discussion of Planning Board retreat/goal setting event.

Planning Director Graham stated she has provided the Board with a calendar to show any scheduled meetings and they need to talk about a possible agenda, locations, and dates for the Planning Board's retreat/goal setting event.

Sarah Ahmad stated she thought it was a great idea but when she mentioned this to someone they asked where the money is coming from. They need to look at the perception as to where they have it and the cost. Legacy may be out because they have business tonight coming before the Board.

Planning Director Graham asked where this Planning Board would like to move and what they might want to be more involved in or have greater roles in. They could have a speaker come in that could tell the Board more of what their mission is.

Chairman Ransdell asked about the Town Attorney but Planning Director Graham mentioned there is a fee for him. Planning Director Graham suggested maybe using Planning Directors that have worked in larger communities and that have seen some exciting projects.

Sarah Ahmad liked it when everyone got a chance to know each other, she would like to do something like that again. Planning Director Graham stated they could do that depending on how the agenda is laid out.

Chairman Ransdell suggested on checking on some possibilities of speakers and dates and bring it back to the next meeting.

Sarah asked about doing day or night for the event that would need to be addressed. Planning Director Graham asked if it started sometime after lunch or midafternoon would the Board be okay with that. Most

members said as long as they were given advance notice they should be okay.

Ken Byrd asked Planning Director Graham to send out a note to all members for them to start thinking about dates, times, agenda items, and locations for the event.

6. Old Business

a. General Updates

Planning Director Graham stated the Planning Board will probably be seeing more items coming to them for recommendation.

Kathy Liles was hired by the Town as a consultant to do to the 2040 Land-Use Plan and she is about half way through with the process. There should be a meeting with the Planning Board, the Town Board, and Steering Committee members next month.

Jane Tercheria stated she dropped off a paper concerning the HPC and their updated design guidelines. They are holding a workshop on January 29th and the Planning Board is invited.

Chairperson Ransdell asked about the Ray's Mill Pond property on Bethesda Road. Planning Director Graham stated Leigh Baggs has hired a consultant and she has met with him several times on site. It is a multi-year grant and a long process but we should start to see something on the ground relatively soon.

7. Adjourn

A motion was made by Peter Koch, seconded by Sarah Ahmad, to adjourn the meeting. Motion unanimously carried.

Amy Fulp, Permit Technician  
Minutes were completed in  
Draft form on

Johnny Ransdell, Chairperson  
Minutes were approved  
on