

MINUTES
Regular Meeting of the
Aberdeen Planning Board

February 26, 2014
Wednesday, 6:00 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

The Aberdeen Planning Board met Wednesday, February 26, 2014 at 6:00 p.m. for the Regular Board Meeting. Members present were Chairman Johnny Ransdell, Raymond Lee, Kelvin Watson, and Ken Byrd. Alternates Peter Koch and Ron Utley were called to serve in two vacant seats. Members not present were Sarah Ahmad, Tim Marcham, and Janet Peele. Others in attendance were Planning Director Pam Graham, Permit Technician Amy Fulp, Allen Stagaard, Gary Ashley, Ryan Paschal, Mubarak Shahbain, and Lillian Seagraves.

1. Call to Order:

Chairman Ransdell called the meeting to order at 7:22 pm.

2. Approval of Agenda

Raymond Lee made a motion, seconded by Peter Koch, to approve the agenda of the Regular Meeting for February 26, 2014. Motion unanimously carried.

3. Approval of Minutes

Peter Koch made a motion, seconded by Ken Byrd, to approve the minutes of the Regular Meeting of October 17, 2013. Motion unanimously carried.

4. New Business

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

a. Conditional Zoning CZ #14-01 Submitted by Crossway Church of Worship, Inc.

Planning Director Graham stated without allowing for the watershed allocation the project as it is designed can't be built. The church facility itself could be because it doesn't require that allocation.

Allen Stagaard asked what is the threshold if you have 26 acres left and somebody comes in and wants 10 is that okay or is 15 too much obviously 25 is too much? Chairman Ransdell stated what they are looking at here is they have a limit set already at 12% and unfortunately even at 12% it is not probably going to cover all of the property owners.

Allen Stagaard stated that for commercial property to come in at 12% is very difficult; you almost couldn't do it and would have to get an allocation. So you have commercial property here, approximately 27 to 28 acres left, if someone comes in and let's say they have 5, 10, or 15 acres and they want to develop this property commercially with parking and everything else it would be well over 12% so they need a full allocation so what is the threshold? If they get down to let's say 15 acres with this project is that still too much?

Planning Director Graham stated their proposal is only for 24% but if they compress it they could still do the project on a smaller property and they would be asking for 15 of our 26 instead of 25 of our 26. How they would make this work is up to them.

Ron Utley asked if they divided this property up and came up with a second entity and did Phase 1 and eventually another owner doing phase 2 would they be able to do this project. Planning Director Graham stated this would be one option and if they did just Phase 1 she could approve it and they would just talk about the use of the church and not any watershed issues.

Allen Stagaard stated on Phase 1 they could get within the 12% he thinks but for them to function properly they need to be able to expand. Once they expand and add the necessary parking they will be over the 12%. So as a project right now it does not work.

Chairman Ransdell stated there are some options but under what is presented here and what we have to act on tonight, what we approve is really the only option we have at this point.

Allen Stagaard stated he does understand the whole situation very clearly however you have enough allocation to make this project go ahead and without it this project is not going anywhere. They are going to have to figure out some other way to make this project happen; he is looking for advice from the Planning Board. If they can't get 25 acres how much can they get?

Chairman Ransdell suggested for them to look at the variables, sit down with Staff, and run the numbers. The bottom line of the question is do they give all the allocation to one party when it is a question of exceeding what the normal amount would be.

Allen Stagaard stated he would like to withdraw the application. Chairman Ransdell stated they are tabling Conditional Zoning CZ #14-01.

- b. UDO Text Amendment UDO #14-01 Regarding Residential District Standards for Garages.

Planning Director Graham stated our UDO has one category for accessory structures, garages, garden sheds, potting sheds, and a place

for you put your lawnmower all of these go into the same category. She believes that it was probably unintentional that garages were not pulled out as a separate use or category. The regulations on where these can be placed on the lot seem to make a lot more sense for garden sheds than they do for garages.

Planning Director Graham stated one regulation is we only require a 10 foot setback from a rear or side property line for accessory structures when our normal building setback for a house is usually 15 feet from the side and 30 feet from the rear. We also restrict all of these accessory structures to the rear of the property.

Planning Director Graham stated she had an applicant come in for a zoning permit to build a detached garage on the side of a house. She was unable to approve this and the only thing she could do is either propose a Text Amendment to our UDO to correct what she sees as probably an unintentional consequence of the current language or to suggest that they come before the Board of Adjustments for a variance request.

Planning Director Graham stated she worked with the Town Attorney on a draft Text Amendment that separates garages from other accessory structures and imposes the same building setbacks as principal structures and will allow them to go beside or to the rear but not in front of the house.

Ryan Paschal stated he thinks the UDO does need some adjustments related to garages. His reason for being here tonight is specific to the garage he is proposing to build.

Planning Director Graham stated what they are looking for tonight is a recommendation from the Planning Board for either an approval or denial of the proposed text amendment and they will be taking that to public hearing on March 10th, 2014 with the Board of Commissioners.

Motion 1 made by Raymond Lee, seconded by Ron Utlely, the UDO #14-01 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 Land and the Green Growth Tool Box. Motion unanimously carried.

Motion 2 made by Ken Byrd, second by Raymond Lee, that the Planning Board does recommend the following amendments to the Town of Aberdeen Board of Commissioners to:

- Include a definition: "Residential Garage", §152-15(64).
- Amend "Accessory Uses," §152-150 as indicated in the attached draft text amendment.

Motion unanimously carried.

- c. Town Sponsored Rezoning Request RZ #14-01 for Properties Located on Keyser Street.

Planning Director Graham stated this is a very limited section of Keyser Street near the intersection of Keyser and Bethune. There are 4 parcels that are part of this rezoning request. Keyser Street is mostly zoned R10-10 but has some B-2 zoned parcels.

Planning Director Graham stated we had a family come to us that owns property on Keyser Street and they have a house on it. They would like to add some very low volume retail uses to the property. Because they are in the R10-10 it is not permitted.

Planning Director Graham stated as they looked at their zoning map and recognized the likelihood that there will be more intense uses on the highway. There is a school and funeral home nearby and there is a restaurant down on the corner. This has become somewhat of a transitional zone already and in some ways has been for some time. They considered whether it may be appropriate to include some additional uses to some of those properties along Keyser so they can start to transition into something that is more of a mixed use.

Lillian Seagraves stated at one time this was a beauty shop that she owned and now they want to convert it to a store just to sell small items like t-shirts and something of that nature. She wants to get her grandson started in a business.

Planning Director Graham stated she thinks there has been some discussion with some of the immediate neighbors. This will also come up before the Board for public hearing on the 10th and they want to get input from the community.

Ken Byrd asked does Mrs. Seagraves own only one of the 4 lots and Planning Director Graham stated yes. Ken Byrd asked are we assuming that the people that have the other 3 lots want to do this. Planning Director Graham answered she doesn't think assuming is the way she would put it. She thinks that they will certainly be notified about this and the public hearing for the Board of Commissioners. An approval on this item could be contingent on there being no opposition.

Motion 1 made by Raymond Lee, seconded by Ken Byrd, that RZ #14-01 is consistent with the 2030 Land Development Plan. Motion unanimously carried.

Motion 2 made by Raymond Lee, seconded by Peter Koch, that the Planning Board recommends approval of RZ #14-01 to the Board of Commissioners contingent that there be no opposition from the public. Motion unanimously carried.

- d. Special Use Permit SU #14-01 by Mubarak Shahbain for Food Service Operation at Existing Retail Store.

Planning Director Graham stated we have an existing business and they would like to expand their business by adding takeout food service which will be prepared on site.

Planning Director Graham stated this property is in the B-1 District and has some restrictions beyond the Highway Commercial District which is close by. The B-1 District is also another transitional zoning district; it is intended to provide some buffer between residential properties and commercial properties that have more intensive uses.

Planning Director Graham stated the Table of Uses does not allow for food in this district without a Special Use Permit. The applicant has been operating this store for about 2 years. Parking is sufficient for what they are doing now and what they are proposing to do.

Ron Utley asked at this time does zoning not allow for preparation of food at this site. Planning Director Graham stated it is allowed only with this Special Use Permit. The Planning Board has the authority to approve this use at that location and Staff does not.

Ron Utley asked do we have any other convenience marts in this area or location that are doing the same thing. Mubarak Shahbain stated there is a BP station on 211 but they mostly do hotdogs. Ron Utley asked if they were proposing more of a kitchen type and Mr. Shahbain said yes.

Planning Director Graham read over the conditions recommend by Staff for approval.

Motion 1 made by Raymond Lee, seconded by Ken Byrd, that SU #14-01 is complete as submitted. Motion unanimously carried.

Motion 2 made by Raymond Lee, seconded by Peter Koch, that SU #14-01 satisfies Finding #1: will not endanger public health or safety. Motion unanimously carried.

Motion 3 made by Ken Byrd, seconded by Peter Koch, that SU #14-01 satisfies Finding #2: will not injure the value of adjoining or abutting property. Motion unanimously carried.

Motion 4 made by Ken Byrd, seconded by Kelvin Watson, that SU #14-01 satisfies Finding #3: will be in harmony with the area in which it is located. Motion unanimously carried.

Motion 5 made by Ken Byrd, seconded by Peter Koch, that SU #14-01 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. Motion unanimously carried.

Motion 6 made by Raymond Lee, seconded by Ken Byrd that based on the findings of fact and the evidence presented the Planning Board recommends approval with conditions of SU #14-01. Motion unanimously carried.

- e. Conditional Use Permit CU #14-01 Submitted by Concrete Service Co. for a Ready Mix Concrete Manufacturing Plant in the C-1 District.

Planning Director Graham stated we do not have anyone here tonight to represent the Concrete Service Company. She expected that someone would be here to answer questions.

Planning Director Graham stated it is in the Heavy Industrial District and does require a Conditional Use Permit which means a recommendation from the Planning Board to the Board of Commissioners for final approval. It is scheduled for public hearing on March 10th to take public comment.

Chairman Ransdell asked would they access this property off of Carolina Road. Planning Director Graham stated she believes their primary access would be from 211 via Lockey Drive.

Ken Byrd made a motion to table this until the applicant is here to answer questions. Planning Director Graham asked if it would be appropriate for her to run through these slides first to see if that may answer some of their questions since the applicant if not required to be here. Ken Byrd withdrew his motion.

Planning Director Graham stated Concrete Service Company is requesting a Conditional Use Permit to allow for a ready mix concrete plant and office facility on Lockey Drive. The 4.68 parcel is located at the corner of Lockey Drive and Dollie Lane in the Heavy Industrial District south of NC Highway 211. The site is located in a mixed use setting, adjacent to other Heavy Industrially zoned properties, with a small Manufactured Housing district along its southern boundary and Commercial/Light Industry to the north. No other residentially zoned properties abut this parcel.

Planning Director Graham stated this facility is proposed to be a smaller version of an existing plant in Spring Lake. The 80 x 20 office building will be the structure closest to Lockey Drive and is proposed to be concrete block construction. An adjacent admixture area will pipe the admixtures underground directly to the trucks. An additional hopper structure will be located towards the rear of the property to collect the concrete components and convey them to a truck loading area.

Planning Director Graham stated the parking proposed for the office building exceeds the minimum requirement by three spaces to accommodate employees. The site has direct access to Lockey Drive, connection to Highway 211 at the western end of Lockey, and to Carolina Road at the eastern end.

Ken Byrd was concerned about Lockey Drive and if the concrete trucks were using it who would be responsible for maintaining it. Planning Director Graham stated she thinks it is a Town road. We are responsible for maintaining our roads and part of encouraging business is to have our infrastructure in shape.

Planning Director Graham stated tonight's decision is regarding a recommendation on whether the use is appropriate and it is possible that you could determine that if the infrastructure does not support it then it would not be appropriate. You could also add a condition that you recommend it only in the case that our Public Works Department deems that the road can appropriately support the use.

Ken Byrd was also concerned about the noise level. Planning Director Graham stated she asked the representative from Concrete Service Company and she said the only noise would be the trucks coming in and out; there should be only ten trucks in a day and 10 trucks out.

Ken Byrd stated his other concern is air quality. Planning Director Graham stated that this is a DENR issue, a state regulated issue. They will not be able to go into operation unless they achieve all of the permitting from the state such as air quality, water quality, and sediment and erosion control.

Ron Utley asked whatever decision is made tonight does it still go to the open forum to the public, and then the Commissioners will have the final say. Planning Director Graham stated yes. Even if the Planning Board recommends denial it will still move forward to the Commissioners, as long as the Planning Board makes some decision tonight.

Chairman Ransdell stated basically their task tonight is to approve the use. Planning Director Graham stated exactly.

Chairperson Ransdell stated looking at the terms of the use, this is a heavy industrial area and a concrete plant is part of heavy industry. You need concrete plants to accomplish some of the other things that you want to do and move forward. In looking at the conditions the Staff has provided a pretty good list but can they add to the conditions. Planning Director Graham stated yes they are entirely open to amendment.

Suggested Conditions with amendments or additions:

1. Conditional Use Permits run with the land and as such this Conditional Use Permit applies to the entirety of the property reflected in PID# 00050930. 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 or Building Permits may be issued.
3. Approval of the Conditional Use Permit is contingent on approval of the site plan by staff that satisfies all UDO requirements.
4. Any and all required permits from state, county, and or other regulatory agencies must be in place prior to a notice to proceed provided by the Planning Department.
5. Final site plan must include a detailed landscaping plan to address landscaping and screening requirements.
6. The facility operations will be required to comply with Town of Aberdeen noise regulations.
7. That applicant can adequately satisfy the Board's concern for fuel storage, washing out the trucks, impact to the environment, and waste disposal.
8. Public Works shall verify that Lockey Drive is in acceptable condition along its length for this proposed use.
9. Security fencing shall be required for protection of neighboring residences and to provide site security.
10. Applicant shall notify A & R Railroad of new traffic impacts as a result of the proposed use, including heavy truck traffic expectations.
11. Additional info to be added to Staff report regarding maintenance of Lockey Drive.

Motion 1 made by Raymond Lee, seconded by Ron Utley CU #14-01 is complete as amended. Motion unanimously carried.

Motion 2 made by Ken Byrd, seconded by Ron Utley, CU #14-01 does not satisfy at this time, with the information presented, Finding #1: will not endanger public health or safety. Motion unanimously carried.

Motion 3 made by Ken Byrd, seconded by Peter Koch, CU #14-01 satisfies Finding #2: will not injure the value of adjoining or abutting property. Motion unanimously carried.

Motion 4 made by Ken Byrd, seconded by Ron Utley, CU #14-01 satisfies Finding #3: will be in harmony with the area in which it is located. Motion unanimously carried.

Motion 5 made by Ken Byrd, seconded by Ron Utley, CU #14-01 satisfies Finding #4: will be in conformity with the land-use plan, thoroughfare plan, or other plan officially adopted by the Town Board. Motion unanimously carried.

Motion 6 made by Peter Koch, seconded by Ron Utley, based on the findings of fact and the evidence presented, the Planning Board recommends approval with conditions as amended of CU #14-01. Motion unanimously carried.

6. Old Business

a. General Updates

Planning Director Graham stated we have started interviewing for the Planner position so we can fully staff our department again.

Planning Director Graham stated Eleese Goodwin was sworn in as our new Commissioner.

Chairman Ransdell asked about the Land-Use Plan Steering Committee. Planning Director Graham stated Kathy is doing a good job and it is moving along; they hope to have a great new product at the end of the project.

7. Adjourn

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

Amy Fulp, Permit Technician
Minutes were completed in
Draft form on April 8, 2014

Johnny Ransdell, Chairperson
Minutes were approved on
April 17, 2014