

MINUTES
Regular Meeting of the
Aberdeen Planning Board

March 20, 2014
Thursday, 6:00 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

The Aberdeen Planning Board met Thursday, March 20, 2014 at 6:00 p.m. for the Regular Board Meeting. Members present were Chairman Johnny Ransdell, Sarah Ahmad, Janet Peele, Raymond Lee, Kelvin Watson, Tim Marcham and Ken Byrd. Alternate Ron Utley was also present. Others in attendance were Planning Director Pam Graham, Planner Jae Kim, Permit Technician Amy Fulp, David Upchurch, and Ron Jackson. Member not present was alternate Peter Koch.

1. Call to Order:

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

2. Informational Moment

Chairman Ransdell had an informational moment concerning the Land Development Plan for Aberdeen and some examples of how the Planning Board looks at it the when making decisions.

3. Approval of Agenda

Raymond Lee made a motion, seconded by Ken Byrd, to approve the agenda of the Regular Meeting for March 20, 2014. Motion unanimously carried.

4. Approval of Minutes

Sarah Ahmad made a motion, seconded by Janet Peele, to approve the minutes of the Regular Meeting of January 16, 2014 as corrected. Motion unanimously carried.

5. New Business

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

a. Rezoning Request #14-02 for property fronting Pee Dee Road owned by David Upchurch.

Planning Director Graham stated our applicant David Upchurch is in the audience tonight. This is a rezoning request for a 38 acre parcel along Pee Dee Road that is currently zoned C-I (Commercial/Light

Industrial) and Mr. Upchurch is interested in developing this as single family residential homes and is requesting R20-16 residential zoning.

Planning Director Graham stated this is a section of Pee Dee Commerce Park that has never been developed, is currently vacant, and fairly heavily wooded. With the surrounding zoning as it is it would work for a number of different uses. With our increased need for residential it would work well.

Planning Director Graham stated the UDO describes R20-16 as a Residential District in which the principal use of land is for low-density residential and agricultural purposes. The regulations of these districts are intended to protect the agricultural sections of the community from an influx of uses that would likely render them undesirable for farms and future development. What we have now is CI Commercial-Light Industrial District and we are looking at whether or not it is appropriate to go to R20-16.

Planning Director Graham stated the site has water currently available and the applicant has been in discussion with Public Works concerning sewer service. The property is currently in the ETJ so in order for the applicant to access these services he will need to annex.

Planning Director Graham stated Aberdeen's Future Land Use Map, developed in 2005, identifies the property for commercial use. The map is part of the Comprehensive Land Use Plan currently being updated. The update will recognize the need for additional residential zoning to accommodate the population growth Aberdeen is experiencing. Inconsistency with the Land Use Plan does not prohibit approval but should be addressed in the Planning Board's deliberations.

Chairman Ransdell asked does Aberdeen need more land in the requested zone. Planning Director Graham answered yes; additional residential availability will be needed as Aberdeen continues to grow. To the question of is there other property more appropriate for this use Planning Director Graham stated the adjacent residential zoning and street access make this property appropriate for the use.

Planning Director Graham stated the existing roads support the proposed residential use, parking will be managed on site and utilities can be made available. As far as rezoning resulting in lessening the enjoyment or use of adjacent properties Planning Director stated residential zoning will result in a more positive impact on adjacent properties than could be expected with the current C-I zoning.

Another question to consider is will rezoning cause serious noise, odors, light, activity or unusual disturbances and Planning Director Graham stated residential uses will have a lesser probability of creating such disturbances as compared with the current C-I zoning. Also does the request raise legal questions regarding spot zoning, violation of

precedents, or the need for this type of use and Planning Director Graham stated no such concerns are evident with this proposal. The request is not a spot zoning, the need is established, and there is no evidence of precedent violation.

Chairman Ransdell asked about Parkway Drive and being a dead end and tagged as a private drive. David Upchurch stated he developed Parkway Drive as it is now and it has never been accepted by the Town. What he would like to do is in the longer part of Parkway Drive, short of where it is now, create a cul-de-sac and hopefully get that accepted by the Town. He proposes to tie in the residential part with the short part of Parkway Drive so we would have two entrances into the development.

Mr. Upchurch stated his plan is to try and separate the light industrial park from the residential and provide a larger setback on the lots that would butt up against it so that it would have a further buffer between the two. There is plenty of tree cover there to make the division.

Planning Director Graham stated this is sometimes referred to as a “down zoning” because you are changing the zoning to a less intensive use than what the current zoning is.

Motion 1 made by Raymond Lee, seconded by Tim Marcham, that RZ #14-02 is consistent with the 2030 Land Development Plan.

Ken Byrd question that the motion should be that RZ #14-02 is not consistent with the 2030 Land Development Plan but will be consistent with the 2040 Land Development Plan.

Motion 1, amended by Raymond Lee, seconded by Tim Marcham that RZ #14-02 is not consistent with the 2030 Land Development Plan but will be consistent with the 2040 Land Development Plan. Motion unanimously carried.

Motion 2 made by Raymond Lee, seconded by Ken Byrd, that the Planning Board recommends approval of RZ #14-02 to the Board of Commissioners. Motion unanimously carried.

- b. Conditional Zoning CZ #14-02 submitted by DGH Management LLC for Property Located on Pine Street.

Planning Director Graham stated this is a Conditional Rezoning. There are two parcels and they are currently zoned as R10-10 and this request is to rezone to B-3-C. The two parcels are currently undeveloped and are between Lori Lane and Argyll Avenue on South Pine Street.

Planning Director Graham stated these parcels total .694 total acres and they are vacant and partially wooded. There is B-3 zoning along the eastern boundary and to the south across Argyll Avenue, R10-10 to the north, and I-H Heavy Industrial to the west across Pine Street.

To the north along Pine Street are Commercial/Light Industrial, Office/Institutional, and B-1 Central Business zoned properties all reflecting the mixed-use character of this part of town.

Planning Director Graham stated Mr. Jackson received site plan approvals in 2008 for multi-family development for townhomes on the subject parcels as well as property at the southeastern intersection of Pine and Argyll. The project to the south was constructed in 2008/2009 with 9 townhome units. In 2010 Aberdeen's UDO was adopted and multi-family was no longer permitted in the R10-10 district.

Planning Director Graham stated §152-128 of the UDO addresses nonconforming projects allowing for the completion of projects where construction was begun at least 180 days prior to the adoption of the ordinance or where at least 10% of the project has been completed by the effective date of the ordinance. The current proposal did not meet either of these requirements and Staff was not able to issue permits for these multi-family units.

Planning Director Graham stated multi-family uses are restricted to Aberdeen's R6-10 and B-3 Zoning Districts. B-3 was chosen as the base for the Conditional Zoning due to existing B-3 zoning on adjacent parcels. The Board, based on recommendations from the Planning Board, may impose conditions on the approval to guide the project's overall impact.

Planning Director Graham stated Aberdeen has taken efforts to slow the growth of multi-family development to achieve a reasonable balance of residential types. The UDO provides for requirements specific to multi-family development such as density limitations, screening and landscaping, arrangement of parking, sidewalks, stormwater management, open space, and outdoor lighting. The Conditional Zoning may include some, all, or none of these requirements.

Planning Director Graham stated multi-family dwellings also include design requirements such as architectural detailing, building length, and garage placement. The Conditional Zoning can impose conditions that vary, lower, or raise the standards that would normally apply to the zoning district.

Planning Director Graham stated that a traffic impact analysis is not required by the Town based on projected traffic volumes. The applicant proposes two ingress/egress points, one on Pine Street and one on Argyll Avenue. The current proposal includes front-entry garages facing Pine Street. Public water and sewer are available to the site, to be coordinated through Public Works.

Planning Director Graham stated the preliminary plan does not provide for sidewalks. Open Space is not indicated; however the site does appear to have sufficient area to meet the 435 sq. ft. per dwelling unit requirement.

Planning Director Graham read through some of the recommended conditions by Staff.

- Community meeting is required, to be conducted by the applicant
- Site Plan review and approval is required as a condition of approval
- Setback and building height requirements to be met
- Compliance with screening and landscaping requirements
- Sidewalk along Pine Street
- Stormwater management practices to meet UDO requirements and site plan review
- Open space requirements to be met
- Lighting plan & general design requirements to be reviewed and approved by staff

The Planning Board may amend these conditions or add conditions prior to making a recommendation to the Board of Commissioners. Only those conditions mutually approved by the Board of Commissioners and the applicant may be incorporated in the final approval.

Ron Jackson stated everything on the list is fine but he thinks the sidewalks are a waste of money. It will end up costing the Town quite a bit of money if he ends up putting the sidewalks in. There is really nowhere where to go on Pine Street and the traffic is really strong there.

Planning Director Graham stated with this being a Conditional Zoning the Board does have some leeway to exercise some judgment about whether that is appropriate for that site.

Sarah Ahmad asked Mr. Jackson to explain about the garages on the front of his units and are they 12 feet behind the front unit as required by the UDO. Mr. Jackson stated he couldn't do that. Planning Director Graham stated what they are approving is a Conditional Zoning that would include any of those conditions that she spelled out or they could add to them.

Janet Peele asked are they approving that it is okay to put 6 multi-family units there, but they are not approving the plan and the appearance that comes out later. Planning Director Graham stated some of the plan will be reviewed later by Staff but as a part of this approval those conditions that you want to tie to this should be a part of your recommendation tonight.

Ken Byrd stated one of the smarter things for them to consider is to keep the buildings looking similar. Raymond Lee agreed and asked Mr. Jackson if the two are going to look similar and Mr. Jackson stated they are going to do brick fronts and brick sides.

Sarah Ahmad asked if they change this to a B3 and someone comes and buys the townhomes and they want to put a major apartment complex there could they due to the zoning change. Planning Director Graham stated they could take down the townhomes and put a different type of multi-family there. But there is a restriction in our multi-family for anybody new coming in that no more than 8 units per acre would be allowed.

Raymond Lee asked could someone come in and knock down the townhomes and build a bar and Planning Director Graham stated yes. Raymond Lee asked could they put in a condition that there be only multi-family homes on this site and Planning Director Graham stated yes.

Ken Byrd stated he is having trouble with the sidewalk requirement and that there are no sidewalks anywhere on Pine Street now. Why would we have a sidewalk on one parcel when there are no others on that road? We should grandfather this property and not require the sidewalk until the Town comes up with a plan for sidewalks on the entire street.

Janet Peele asked does B-3 have any requirements for buffering or landscaping. Planning Director Graham stated that multi-family does and these are included in the recommended conditions.

Chairman Ransdell asked where they stand with the recommended conditions. Planning Director Graham stated she has potentially pulling out number 6 regarding sidewalks, adding that density would be limited to no more than 8 units per acre, and that uses other than multi-family or single family would not be permitted.

Motion 1 made by Ken Byrd, seconded by Kelvin Watson, that Conditional Zoning CZ #14-02 is inconsistent with all adopted plans of the Town of Aberdeen. Motion unanimously carried.

Motion 2 made by Ken Byrd, seconded by Janet Peele, based on information presented by the applicant, staff, and other interested parties, Conditional Zoning CZ #14-02 does have an acceptable level of impact on both the immediate area and the community as a whole. Motion unanimously carried.

Motion 3 made by Raymond Lee, seconded by Ken Byrd, that the Planning Board does recommend approval of Conditional Zoning CZ #14-02 to the Town of Aberdeen Board of Commissioners subject to the following conditions as amended:

1. The applicant must conduct a community meeting with mailed notice complying with the requirements of the Unified Development Ordinance prior to the Public Hearing by the Board of Commissioners.
2. A conditional use permit for the uses on the property is not required. A final site plan and all construction documents must be approved through

- the interdepartmental review process and shall be in general conformance with the proposed sketch plan attached to this proposal.
3. Any and all approvals from other regulatory agencies must be obtained prior to a notice to proceed by the Planning Department.
 4. The applicant shall meet all setbacks and building heights as shown on the sketch plan.
 5. The applicant shall meet all screening and landscape requirements as applicable to multi-family development and shall retain existing vegetation in the buffer areas wherever possible and supplement with planted landscaping as needed.
 6. Stormwater management practices shall meet all requirements of the UDO and be reviewed during site plan review by staff. Solid waste container sites shall be screened as provided for in the UDO.
 7. Open space will be required at no less than 2,610 square feet, and with a width not less than 40 feet or a radius of at least 26 feet.
 8. Private open space for each unit shall be provided at a minimum of 15% of each dwelling unit's floor area or ninety (90) square feet, whichever is greater.
 9. An outdoor lighting plan and general design requirements must be consistent with the UDO's requirements for multi-family development and will be reviewed during site plan review by staff. Submittal for site plan review shall include elevation drawings demonstrating compliance with these UDO requirements.
 10. Final approval of Conditional Zoning CZ #14-02 is contingent upon approval of an interdepartmental site plan review following the CZ process.
 11. Staff is directed to enter Conditional Zoning District RB-3-C for properties identified by PID# 00049602 and #00048066 on the official zoning map and add a label for CZ#14-02 upon final approval.
 12. Density will be limited to no more than 8 units per acre.
 13. Uses other than multi-family and single family will not be permitted.

Sarah Ahmad stated she has a concern about the garages and she feels like some adjustments can be made to try to meet existing conditions since the conditions go with the land and not the building. There should only be rear or side placement of garages on multi-family units.

Planning Director Graham stated this property is very unique because it did receive some form of approval in 2008 which was later negated because of time passing and also because this is something identical to what he is proposing next door.

Chairman Ransdell asked would garages be covered under the new item number 9. Planning Director Graham stated item 9 may not be clear enough. If the Planning Board decides to keep it in as worded it goes beyond lighting so if you don't intend to impose those architectural design standards then that portion would need to be removed.

Raymond Lee withdrew his motion. Chairman Ransdell asked if there is a new motion. Planning Director Graham stated that she understood the new motion to be that the Planning Board does recommend approval subject to the following conditions as amended, those amendments being to remove number 6, number 10 which now becomes number 9 would be an outdoor lighting plan and general multi-family building design requirements, a new number 12 which will say density shall be limited to no more than 8 units per acre, and a new number 13 that says uses other than multi-family and single family shall not be permitted.

Motion 3 made by Sarah Ahmad, seconded by Tim Marcham, that the Planning Board does recommend approval of Conditional Zoning CZ #14-02 to the Town of Aberdeen Board of Commissioners subject to the amended Conditions. Motion failed by a vote of 4 to 2.

Motion 3 made by Raymond Lee, seconded by Janet Peele, to amend number 10 which now becomes number 9 to read general lighting design as opposed to general multi-family building design and keep all other amended conditions. Motion carries by a vote of 5 to 1 with Sarah Ahmad opposing.

- c. UDO Text Amendment UDO #14-02 Regarding the Discharge of Firearms Within the Town Limits.

Planning Director Graham stated we recently had a proposal come forward for an indoor firing range and training facility. When she approached Police Chief Tim Wenzel concerning this he said that he saw this as a potential opportunity even for his own department.

Planning Director Graham stated the Planning Board is not here to approve an indoor firing range but what they recognized is that they didn't allow it in any district in Town and by not addressing it at all in the UDO they actually allowed it by default.

Planning Director Graham stated what we are asking the Planning Board to do tonight is to issue a recommendation on the proposed language along with any changes they think would be suitable.

Ken Byrd stated he would like to make a recommendation in the section 1 wording in the second sentence where it says or other gun, he would like it modified to say or other firearm. Planning Director Graham stated she would let the Town Attorney know.

Ken Byrd stated he has a question that would probably need to go back to the Police Chief Tim Wenzel, he has no problem designating an indoor firing range but he thinks there should be some limit on the caliber. Planning Director Graham asked did he have a specific recommendation for this. Ken Byrd stated no, he thinks it should go back to the Police Chief Tim Wenzel to decide.

Raymond Lee suggested that they take out black powder. He also suggested in the first sentence of section one to add crossbows and bows and arrows because the public may think it is okay to shoot these since they are not listed. Planning Director Graham stated when you start adding specifics you have to be careful to add all specifics. The language includes “like instrument used to eject a pellet or projectile” to cover a range of things.

Chairman Ransdell asked would it not be wise to return this to the Police Chief Tim Wenzel for him to make some more specific recommendations. Planning Director Graham stated Tim has looked at this and was fine with it; he may want to add something to the specific caliber but this can happen as part of the Board’s recommendation.

Chairman Ransdell asked what if they change the wording to say the Police Chief shall establish guidelines governing the type and caliber of firearms and Planning Director Graham stated that wording can be added. Chairman Ransdell stated if you have the Police Chief establish the rules and guidelines then if something comes up later he can change the rule then. Planning Director Graham stated we can suggest adding item 5 to section 1 that says the Police Chief shall establish rules and guidelines regarding type and caliber of firearms and weapons.

Ken Byrd stated he is okay with section 2 the way it is worded but would like for black powder to be taken out of section 3. He would also like to add to section 3 that the Police Chief shall establish rules and guidelines regarding type and caliber of firearms and weapons.

Raymond Lee stated in section 3 it does not specify if it is an indoor or outdoor shooting range. Planning Director Graham stated section 3 would apply to an indoor or outdoor shooting range. Planning Director Graham suggested they could recommend that there be a separate definition for indoor verses outdoor shooting ranges and the Board was in favor of that.

Motion 1 made by Ken Byrd, seconded by Raymond Lee, that UDO #14-02 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. Motion unanimously carried.

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

- Amend the Table of Permissible Uses (§152-146) to add Indoor and Outdoor Shooting Ranges as new categories as indicated in the attached draft text amendment.

- Amend Definitions §152-15 as indicated in the attached draft text amendment as amended.

d. UDO Text Amendment UDO #14-03 With Regard to Cluster Subdivisions.

Planning Director Graham stated the residential zoning districts have minimum lot sizes, setbacks, and minimum house sizes in most cases. Since the UDO was adopted if somebody comes to us with a proposal for a subdivision it needs to meet those dimensional standards. There is one provision that allows for alterations of those dimensional standards and that is if they come in as a cluster subdivision.

Planning Director Graham stated what we have before us is a request to change the language so that it does not any longer apply to the R30-18 and R20-16 zoning districts. This is the only change it makes; it pulls out the two lower density residential districts R30-18 and R20-16 from the list of possibilities when applying for cluster subdivisions.

Motion 1 made by Ken Byrd, seconded by Raymond Lee, UDO #14-03 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. Motion unanimously carried.

Motion 2 made by Janet Peele, seconded by Sarah Ahmad, that the Planning Board does recommend the following amendment to the Town of Aberdeen Board of Commissioners to:

- Amend subsection 152-189 as indicated in the attached draft text amendment.

Motion unanimously carried.

a. General Discussion

Planning Director Graham stated that Crossway Church may resubmit a redesign of their concept that might permit them to come back to the Planning Board and ask for less of a balance of the Town's watershed.

Planning Director Graham stated the site for the Concrete Plant has some water issues on the property; it is an EPA site with some ground water issues. They could probably still use the site but they are looking at another property now that has served as an asphalt property in the past.

Planning Director Graham stated Mr. Barnes was out of the country when we had his meeting but he sent a letter via email to provide to the Board for consideration regarding landscaping requirements.

Ken Byrd stated as long as Mr. Barnes adheres to the landscaping plan as they originally discussed it they won't have any problems. If he continues what he has across the right side he is good and the Board agreed. Planning Director Graham stated she would send Mr. Barnes a letter concerning this.

7. Adjourn

A motion was made by Janet Peele, seconded by Raymond Lee, to adjourn the meeting. Motion unanimously carried.

Amy Fulp, Permit Technician
Minutes were completed in
Draft form on May 12, 2014

Johnny Ransdell, Chairperson
Minutes were approved on
May 15, 2014