

MINUTES
Regular Meeting of the
Aberdeen Planning Board

April 17, 2014
Thursday, 6:00 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

The Aberdeen Planning Board met Thursday, April 17, 2014 at 6:00 p.m. for the Regular Board Meeting. Members present were Chairman Johnny Ransdell, Sarah Ahmad, Tim Marcham, Janet Peele, and Ken Byrd. Alternate Ron Utlely was called to serve in a vacant seat. Members not present were Kelvin Watson, Raymond Lee, and alternate Peter Koch. Others in attendance were Planning Director Pam Graham, Permit Technician Amy Fulp, Jack Berggren, Sam Foley, Ruben Huerta Fuentes, Serafin Garcia, George Najm, and John Moyer.

1. Call to Order:

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

2. Informational Moment

Planning Director Graham talked briefly about the consistency statements in Planning Board packets.

3. Approval of Agenda

Sarah Ahmad made a motion, seconded by Ron Utlely, to approve the agenda of the Regular Meeting for April 17, 2014. Motion unanimously carried.

4. Approval of Minutes

Ron Utlely made a motion, seconded by Sarah Ahmad, to approve the minutes of the Regular Meeting of February 26, 2014. Motion unanimously carried.

Ron Utlely made a motion, seconded by Tim Marcham, to approve the minutes of the Special Called Meeting of the Watershed Review Board of February 26, 2014. Motion unanimously carried.

5. New Business

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

a. Conditional Zoning CZ #14-03 Submitted by Jack Berggren at 10570 NC Hwy 211.

Planning Director Graham stated Jack Berggren has a pretty sizable facility on Hwy 211 where he has a number of businesses. Mr.

Berggren is proposing a new operation at that location, that basically falls under a category that is not addressed in our UDO, which is a brew pub.

Planning Director Graham stated Mr. Berggren is in the C-I District which is Commercial-Light Industrial; retail uses are allowable including restaurants. The manufacturing of the alcohol falls under this category and the serving of food, Mr. Berggren hopes to do this as part of his long range plans which would be permitted as a Use by Right. However the serving of alcohol onsite, without the component of the food, is something that requires a Special Use Permit in that district.

Planning Director Graham stated with this project and consistency with the adopted plans for the Town, the Future Land Use Map for 2005 has it identified as industrial. The zoning now is Commercial-Light Industrial which is more consistent with this proposed use. This area of town will probably continue to support mixed-uses and over time we may see some zoning changes.

Planning Director Graham stated we do have some inconsistency with the long range plan in that this is not necessarily strictly an industrial use that is being proposed; but it is more consistent with the zoning in the area.

Ron Utley asked what is the distance between the R-20 residential area and this establishment. Planning Director Graham stated it is right across the highway from the R-20 residential area.

Ron Utley asked has an impact study been done on the residents in the area to the point of having a bar coming into that neighborhood. Planning Director Graham stated there has not been a study. What would be required is a community meeting and the information acquired would be shared with the Board of Commissioners.

Sarah Ahmad asked when she looked at the plans she saw a tasting room and would this be in the future? Mr. Berggren stated yes and it would be in the same area as the restaurant.

Janet Peele asked would there be after hours use and music or noise involved in the evenings. Mr. Berggren stated the target timing is 2:00 p.m. until around 10:00 p.m. The tasting section is so the brewery gets a chance to have customers sample the market beer. There will also be some music to entertain the customers.

Janet Peele asked how far it is from the public entrance of the establishment to the residences across the street. Mr. Berggren stated there is a highway between them, maybe 1000ft. Planning Director Graham stated we also have a noise ordinance that they would be subject to.

Sarah Ahmad asked would there be anything outside or is everything going to be inside the building. Mr. Berggren stated at some point they want to have a patio outside with some tables.

Sarah Ahmad asked about the smell and how they would handle the waste. Mr. Berggren stated as far as the smell it is already an industrial area. They are so far away from any residences that he can't imagine they would smell anything. Sam Foley stated most of the brewing will be going on at night.

Chairman Ransdell stated what we need to consider and be aware of is this is not a honky-tonk bar. It is a growing industry in North Carolina and it is called craft brewing. Everywhere they have gone they have been a real asset to the communities.

Sam Foley stated he will be the primary brew master. A bar scene is not what he is trying to create. They want to be a craft manufacturer of quality beer with a North Carolina label on it.

Sarah Ahmad asked because it is conditional zoning if somebody else brought the property could they just have a bar or would they have to have the manufacturing also that we see here. Planning Director Graham stated she does not think that is correct; consumption of alcohol is one of the allowed uses but it does not mean that they would also be required to manufacture it there.

Chairman Ransdell wanted to talk about conditional zoning and manufacturing. If you look at their proposal they are talking about starting with a 7 to 10 barrel system. What they are proposing is to be a distributor and distribute over a general area. They want to be a craft brewery to distribute beer.

Chairman Ransdell asked has NCDOT looked at their access to the site. Planning Director Graham stated she has done a very preliminary site plan review. The Planning Department will typically give NCDOT a call when they see a change of use on one of their highways. Chairman Ransdell asked for this to be one of the conditions.

Motion 1 made by Ken Byrd, seconded by Janet Peele, that Conditional Zoning CZ #14-03 is consistent with all adopted plans of the Town of Aberdeen. Motion carried by a vote of 5 to 1, Ron Utley opposed.

Motion 2 made by Ken Byrd, seconded by Ron Utley, based on the information presented by the applicant, staff, and other interested parties, Conditional Zoning CZ #14-03 does have an acceptable level of impact on both the immediate area and the community as a whole. Motion unanimously carried.

Chairman Ransdell read the recommended conditions. Planning Director Graham stated on #3 they may want to add, "any and all

approvals from other regulatory agencies, including but not limited to NCDOT, must be obtained prior to a notice to proceed by the Planning Department. Chairman Ransdell stated that would be fine.

Motion 3 made by Ken Byrd, seconded by Tim Marcham, the Planning Board does recommend approval of Conditional Zoning CZ #14-03 to the Town of Aberdeen Board of Commissioners subject to the following conditions:

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. Conditional and Special Use Permits for the uses on the property are not required. A final site plan and all construction documents must be approved through the inter-departmental review process and shall be in general conformance with the proposed sketch plan attached to this proposal. The Conditional Zoning is contingent upon approval of the Site and Building Plans.
3. Any and all approvals from other regulatory agencies, including but not limited to NCDOT, must be obtained prior to a notice to proceed by the Planning Department.
4. A bicycle rack will be installed to meet the Comprehensive Pedestrian/Bicycle Plan the town adopted.
5. Staff is directed to enter Conditional Zoning District C-I-C for property identified by PID# 20040356 on the official zoning map and add a label for CZ #14-03 upon final approval.

Motion carried by a vote of 5 to 1, Ron Utley opposed.

- b. Special Use Permit SU #14-02 Submitted by Ruben Huerta Fuentes for Food Consumption outside fully enclosed structure at existing restaurant.

Planning Director Graham stated our applicant is Ruben Huerta Fuentes who is actually the contractor for the proposal. Serafin Garcia is also here tonight, he is the owner and operator of Mazatlan Mexican Restaurant.

Planning Director Graham stated for any restaurant use that wants to include outdoor dining it requires a special use permit. We have an existing restaurant that has a full menu, a bar, and does conduct all of their business within the four walls of the restaurant. The applicant is requesting to build an outside patio with railing in front of the building.

Planning Director Graham stated the general area surrounding the subject property is indicated as Commercial on the 2030 Land Development Plan's Future Land Use Map, and is thereby consistent with this proposal. The Pedestrian and Bicycle Plans make no recommendations for the property with exception of a bicycle rack, and the proposed use

does not trigger a review of the Green Growth Toolbox data for the property.

Ken Byrd asked will they have a rail around the patio. Mr. Fuentes stated they will have a 4 foot high style fence. Ken Byrd asked will there be access from the restaurant itself or will they have to go out of the front door to get to the patio. Mr. Fuentes stated there will be a door coming out of the restaurant onto the patio.

Ken Byrd asked would the fence be capable of containing litter if he were to drop his plate. Mr. Fuentes stated it will be a wooden type fence with slats about 3 to 4 inches apart.

Chairman Ransdell asked would there be any landscaping required. Planning Director Graham stated if he came in as a new facility there would be. He is really limited because there is so much asphalt.

Planning Director Graham asked the Board if they would be comfortable with Staff making a site visit and determining whether the fence is sufficient and Ken Byrd stated yes.

Sarah Ahmad suggested that the applicant can use pots and things with plants to give the outside enclosed structure a more attractive visual impact because more people would be attracted to go in and try the restaurant. Mr. Fuentes stated that is their idea to put pots of flowers so that it will look nice.

Motion 1 made by Ron Utley, seconded by Ken Byrd, SU #14-02 is complete as submitted. Motion unanimously carried.

Motion 2 made by Ron Utley, seconded by Ken Byrd, SU #14-02 satisfies Finding #1: will not endanger public health or safety. Motion unanimously carried.

Motion 3 made by Ron Utley, seconded by Ken Byrd, SU #14-02 satisfies Finding #2: will not injure the value of adjoining or abutting property. Motion unanimously carried.

Motion 4 made by Tim Marcham, seconded by Ken Byrd, SU #14-02 satisfies Finding #3: will be in harmony with the area in which it is located. Motion unanimously carried.

Motion 5 made by Sarah Ahmad, seconded by Ron Utley, SU #14-02 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 Ken Byrd, based on the findings of fact and the evidence presented, the Planning Board approves with conditions SU #14-

02 and add that Staff will make a site visit to determine fencing type and spacing to try and contain debris. Planning Director Graham recommended adding this to condition #1 to say "approval of the Special Use is contingent upon an approved site plan from the Planning Department Staff to include a site visit and fence product review for compliance with the UDO screening requirements". Ken Byrd stated that would work for him and the motion was seconded by Janet Peele. Chairperson Ransdell stated motion 6 will be approval with conditions as amended. Motion unanimously carried.

- c. Special Use Permit SU #14-03 Submitted by George Najm for Auto Sales at 324 Fields Drive (Unit B) Aberdeen, NC 28315.

Planning Director Graham stated George Najm is here with us tonight. This structure is divided into 3 units and he is taking one of the spaces for an office for his auto sales. Mr. Najm explained this to Jae Kim as being mostly an internet based business and he doesn't anticipate having a large inventory of vehicles on site.

Planning Director Graham stated the general area surrounding the subject property is indicated as Commercial on the 2030 Land Development Plan's Future Land Use Map, and is thereby consistent with this proposal. The Pedestrian and Bicycle Plans make no recommendations for Fields Drive, and the proposed use does not trigger a review of the Green Growth Toolbox data for the property. The proposed use is not inconsistent with plans adopted by the town.

Ken Byrd asked Mr. Najm if he will be clearing anything from the street back so you can see the cars on the side easier and Mr. Najm stated no.

Ron Utley asked Mr. Najm if he is a car dealer and he stated the state requires that he have an office first and he has to get approval from the Planning Board and then he can get his license.

John Moyer stated he is familiar with the property and he is not opposed to someone starting a business. His only question is space available and even if it is only for internet sales he is sure that people will want to come and see the cars. He wants to make sure that he will not lose any value with his property since his property adjoins this property.

Ron Utley asked Mr. Moyer about any negative impacts due to him trying to sell his adjoining property. Mr. Moyer stated he is worried about the cars being parked along the side. Ron Utley asked Mr. Najm where he plans to park the cars and he stated they have no plans to encroach on Mr. Moyer's property.

Ron Utley asked Planning Director Graham if they can limit the number of vehicles. Planning Director Graham stated they have a 15' side

setback and the UDO restricts parking in that setback and they would probably end up with parking closer to the building.

Ron Utley asked if they were to encroach on adjacent property can the permit be terminated. Planning Director Graham stated they usually leave property line disputes to civil matters. But the UDO requirement can be put on the zoning permit stating no parking will be permitted in the 15' side setback.

Ron Utley asked Planning Director Graham does she feel like the applicant has met the requirements of her department. Planning Director Graham stated with what we have right now yes they have. An additional review will be done before they issue the zoning permit and make sure there is nothing outstanding. The Planning Board will approve the use and add any conditions that will help support compliance with any issues that have come up within this discussion.

Motion 1 made by Ron Utley, seconded by Ken Byrd, SU #14-03 is complete as submitted. Motion unanimously carried.

Motion 2 made by Ron Utley, seconded by Tim Marcham, SU #14-03 satisfies Finding #1: will not endanger public health or safety. Motion unanimously carried.

Motion 3 made by Ken Byrd, seconded by Tim Marcham, SU #14-03 satisfies Finding #2: will not injure the value of adjoining or abutting property. Motion unanimously carries.

Motion 4 made by Tim Marcham, seconded by Janet Peele, SU #14-03 satisfies Finding #3: will be in harmony with the area in which it is located. Motion unanimously carries.

Motion 5 made by Ken Byrd, seconded by Janet Peele, SU #14-03 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.

Planning Director Graham stated she would like to make one amendment to condition number 1 in the second sentence to read, "Display areas for vehicles for sale shall be confined to the areas designated for this use on the approved site plan".

Sarah Ahmad also wanted to add something concerning conditions. Planning Director Graham suggested adding it to the end of condition number 1 to say, "Zoning permit shall refer to restrictions on parking in setbacks".

Chairman Ransdell read over the remainder of the recommended conditions.

Motion 6 made by Ken Byrd, seconded by Janet Peele, based on the findings of fact and the evidence presented, the Planning Board approves SU #14-03 with conditions as amended. Motion unanimously carried.

6. Old Business

Planning Director Graham stated the concrete company is looking at another property very close to the one they came to the Planning Board on but this is going to be sometime down the road. Also the rezoning on Pee Dee Road has been withdrawn. There are some water issues there and we may or may not see this one again.

Planning Director stated the retreat idea was very well received by the Town Board. They are looking at having a retreat with the Planning Board around September or October of 2014. The retreat will probably be a half day or a whole day.

Ken Byrd asked about the Watershed relief and going to the county for additional allocation. Planning Director Graham stated she does intend to ask for additional allocation but has not really had time to look at it.

7. Adjourn

A motion was made by Ron Utley, seconded by Ken Byrd, to adjourn the meeting. Motion unanimously carried.

Amy Fulp, Permit Technician
Minutes were completed in
Draft form on June 9, 2014

Johnny Ransdell, Chairperson
Minutes were approved on
August 21, 2014