

MINUTES
Regular Meeting of the
Aberdeen Planning Board

January 15, 2015
Thursday, 6:30 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

The Aberdeen Planning Board met Thursday, January 15, 2015 at 6:30 p.m. for the Regular Board Meeting. Members present were Chairman Johnny Ransdell, Tim Marcham, Richard Gergle, Janet Peele, Ken Byrd, alternate Ron Utley, and alternate Peter Koch. Members not present were Kelvin Watson and Raymond Lee. Others in attendance were Planning Director Pam Graham, Permit Technician Amy Fulp, Planner Jae Kim, Pat MacNamara, Chris Gilder, Maurice Holland, and Brenda Simmons.

A training session was held for the Planning Board by Attorney T.C. Morphis at 5:15 p.m.

1. Call to Order

Chairman Ransdell called the meeting to order at 6:30 p.m.

2. Informational Moment

Chairman Ransdell thanked Attorney T. C. Morphis for his training session with the Planning Board.

3. Approval of Agenda

A motion was made by Ken Byrd, seconded by Richard Gergle, to approve the agenda of the Regular Meeting for January 15, 2015. Motion unanimously carried.

4. Approval of Minutes

A motion was made by Richard Gergle, seconded by Peter Koch, to approve the minutes of the Regular Meeting of December 18, 2014. Motion unanimously carried.

5. New Business

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

- a. Conditional Use Permit CU #14-06 for Indoor Gun Range in the IH (Heavy Industrial) District.

Planning Director Graham gave a presentation on Conditional Use Permit CU #14-06 for Indoor Gun Range in the IH (Heavy Industrial) District.

Richard Gergle asked what the member's lounge will serve and Pat MacNamara stated coffee and snacks but there will be no alcohol.

Ron Utley asked is there an age limit for the firing range. Planning Director stated that can be added to the recommended conditions but she is not aware of any discussion on age limit.

Ron Utley had concerns about the 44 parking spaces not being enough. Pat MacNamara stated the occupancy will be controlled and will not be a free for all where people will be waiting.

Ken Byrd had concerns about the parking and weapons being carried in the parking lot. He would also like to talk about adding some vegetation near the main road.

Ron Utley asked in order to make sure this company uses the proposed operation given should it be put in as a recommended condition and Planning Director Graham said yes that is certainly an option.

Chairman Ransdell asked what the hours of operation will be and Chris Gilder said he is unsure but it may be 9 a.m. until 9 p.m. Pat MacNamara stated it has not been determined yet but they will probably be open 6 days a week.

Ron Utley asked if they have determined an age limit. Ron Utley stated he has a problem with anyone under the age of 18 handling a firearm and they need to have some type of age restriction.

Ken Byrd suggested adding to condition #4 that the Police Chief will review with the owners an appropriate age for accompanied minors along with no unaccompanied minors allowed.

Chairman Ransdell asked will they be selling firearms and Chris Gilder said they would like to but he is unsure at this time.

Motion 1 made by Ken Byrd, seconded by Janet Peele, CU #14-06 is within the jurisdiction of the Planning Board according to the Table of Permissible Uses. Motion unanimously carried.

Motion 2 made by Ken Byrd, seconded by Peter Koch, CU #14-06 is complete as submitted. Carried by a vote of 5 to 1, Ron Utley opposed.

Motion 3 made by Ken Byrd, seconded by Richard Gergle, CU #14-06, if completed as proposed, will comply with all requirements of the UDO. Motion unanimously carried.

Motion 4 made by Ken Byrd, seconded by Peter Koch, CU #14-06 satisfies Finding #1: will not endanger public health or safety. Carried by a vote of 5 to 1, Ron Utley opposed.

Motion 5 made by Janet Peele, seconded by Richard Gergle, CU #14-06 satisfies Finding #2: will not substantially injure the value of adjoining or abutting property. Motion unanimously carried.

Motion 6 made by Peter Koch, seconded by Tim Marcham, CU #14-06 satisfies Finding #3: will be in harmony with the area in which it is located. Motion unanimously carried.

Motion 7 made by Janet Peele, seconded by Ken Byrd, CU #14-06 satisfies Finding #4: will be in general conformity with Land Use Plan or other plans specifically adopted by the Board. Motion unanimously carried.

Planning Director Graham asked about adding anything to the recommended conditions. Ken Byrd wanted to add to condition #4 that the Police Chief will review with the owners to determine an appropriate age for accompanied minors to have access to the firing range. He also wanted to be specific that there will be no unaccompanied minors allowed in the facility.

Planning Director Graham asked about the recommendation to ensure that the proposal is built using the system that has been proposed. Ken Byrd suggested that the exact system that they are calling for needs to be installed. Attorney T. C. Morphis suggested using language such as proposed by applicant. Chairman Ransdell suggested using the language of this system or equivalent.

Planning Director Graham suggested adding a recommendation that required parking may be reduced to no less than 44 spaces to eliminate excessive parking at the site.

Ken Byrd suggested adding that trees be planted along Pine Street. Planning Director Graham stated she thinks that the screening requirements will call for that but it can also be added as a condition.

Ron Utley asked to add as a condition that no consumption of alcohol can be consumed on the premises or in the parking lot.

Planning Director Graham read over the amended recommended conditions.

Ron Utley asked to have an age put on minor. Janet Peele and Ken Byrd had a problem with putting an age on minor. Ken Byrd asked to leave it the way it is worded right now and let the Police Chief weigh in on it.

Chairman Ransdell asked Ron Utley if he wanted to put his recommendation in the form of a motion and have the Planning Board vote on it. Ron Utley stated if they have not come with a consensus of age as a Board then there is no use in making a motion as to what that age shall be.

Motion 8 made by Ken Byrd, seconded by Janet Peele, based on the Findings of Fact and the evidence presented, the Planning Board:

- Recommends approval with conditions as amended of CU #14-06 as follows:
 1. Conditional Use Permits (CUPs) run with the land and as such CU #14-06 applies to the entirety of the property reflected in Parcel ID #20060678. 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 by the CUP, however, approval of CU #14-06 is contingent on a successful inter-departmental review to insure that the development has met all Federal, State, and local regulations and permitting requirements, as well as any conditions attached to the CUP approval.
 3. Any and all required permits and/or approvals from other regulatory agencies must be in place prior to issuance of a Notice to Proceed by the Planning Department.
 4. As required by the UDO, the proposal shall be reviewed by the Police Chief and a written report of the Chief's findings regarding the proposal's impacts to public safety shall be provided to the Board of Commissioners prior to the Public Hearing for CU #14-06. The Police Chief will review with the owners to determine an appropriate age for accompanied minors to have access to the firing range.
 5. No unaccompanied minors, minor as defined by the State of North Carolina, are to be allowed in the facility.
 6. Approval of CU #14-06 is contingent on documentation that the proposal meets or exceeds the guidelines and recommendations for

design, construction, operation and management provided by the National Rifle Association, National Shooting Sports Foundation, the US Occupational Safety and Health Administration, and the National Institute of Occupational Safety and Health.

7. The use of ammunition caliber in excess of .50 caliber shall be prohibited within the facility.
8. The facility shall conduct airborne lead exposure measurements to make an initial determination to assess the airborne lead levels within the first thirty (30) days of operation and shall provide a copy of the results to the Planning Department. Subsequent monitoring assessments and any corrective action as required by the Federal OSHA General Industry Lead Standard (29 CRF 1910.1025) shall be reported to the Planning Department in all cases where testing indicates levels in excess of the OSHA standard.
9. The firing range area shall be required to operate under a ventilation system separate from the remainder of the building, utilizing High Efficiency Particulate (HEPA) filtration of all air exhausted from the range.
10. The facility shall employ an automatic range shutdown device designed to curtail range activity should any segment of the filtration system fail.
11. Approval of the CUP shall not imply approval of signage. Sign permit applications consistent with the requirements of the UDO shall be reviewed and approved by the Planning Department prior to installation.
12. The operation will be required to comply with Town of Aberdeen noise regulations.
13. The Total Containment Trap and Air Conveyor System as proposed by applicant shall be adhered to or a demonstrated equivalent. Deviations will require an amendment to the CUP or reapplication as directed by the UDO. Documentation of the system as installed is to be provided to the Planning Department.
14. Required parking may be reduced to no less than 44 spaces to eliminate excessive parking at the site.
15. Landscape and screening requirements as directed by the UDO shall be complied with.
16. Consumption of alcoholic beverages shall be prohibited on the property to include the building and parking areas.

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

- b. Special Use Permit SU #15-01 for Home Day Care Submitted by Brenda Simmons.

Planning Director Pam Graham gave a presentation on Special Use Permit SU #15-01 for Home Day Care Submitted by Brenda Simmons.

Brenda Simmons addressed the Board and gave a brief description of herself and her job abilities. Ms. Simmons stated she feels like there is a need for daycares.

Maurice Holland spoke to the Planning Board as to the characteristics of Ms. Simmons: her abilities and standards. He asked the Planning Board to approve this for Ms. Simmons.

Ken Byrd asked what the hours of operation are and Ms. Simmons stated 6 a.m. until 6 p.m.

Planning Director Graham read over the recommended conditions.

Motion 1 made by Ron Utley, seconded by Peter Koch, SU #15-01 is within the jurisdiction of the Planning Board according to the Table of Permissible Uses. Motion unanimously carried.

Motion 2 made by Tim Marcham, seconded by Janet Peele, SU #15-01 is complete as submitted. Motion unanimously carried.

Motion 3 made by Janet Peele, seconded by Richard Gergle, SU #15-01, if completed as proposed, will comply with all requirements of the UDO. Motion unanimously carried.

Motion 4 made by Richard Gergle, seconded by Tim Marcham, SU #15-01 satisfies Finding #1: will not endanger public health or safety. Motion unanimously carried.

Motion 5 made by Ken Byrd, seconded by Ron Utley, SU #15-01 satisfies Finding #2: will not substantially injure the value of adjoining or abutting property. Motion unanimously carried.

Motion 6 made by Peter Koch, seconded by Janet Peele, SU #15-01 satisfies Finding #3: will be in harmony with the area in which it is located. Motion unanimously carried.

Motion 7 made by Ken Byrd, seconded by Peter Koch, SU #15-01 satisfies Finding #4: will be in general conformity with Land Use or other plans specifically adopted by the Board. Motion unanimously carried.

Motion 8 made by Richard Gergle, seconded by Ken Byrd, based on the Findings of Fact and the evidence presented, the Planning Board:

- Issues approval with conditions of SU #15-01 as follows.
 1. The home day care is limited to five (5) preschool age children including preschoolers living in the home and up to three school-age children. The special use permit does not provide for licensing as a child care center (6 or more preschoolers.)
 2. No advertising signage shall be placed on the property related to the special use permit.
 3. A copy of the license as issued by the Division of Child Development, NC Department of Health and Human Services (DHHS) shall be provided to the Planning Department before operation begins. All DHHS requirements shall be met and maintained for continued operation and licensing of the home day care.
 4. A minimum of 200 square feet, exclusive of closets, passageways, kitchens, and bathrooms shall be dedicated for the home occupation during operating hours.
 5. Adequate fenced outdoor play area as determined by DHHS shall be provided.
 6. Available parking shall include parking for all personal vehicles belonging to those living in the home and a minimum of one space for drop-offs.
 7. Building and Fire Inspections and Town of Aberdeen Business License are required prior to beginning operation, all to be coordinated through the Planning Department.

Motion unanimously carried

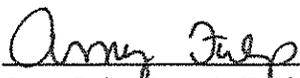
6. Old Business

a. General Updates

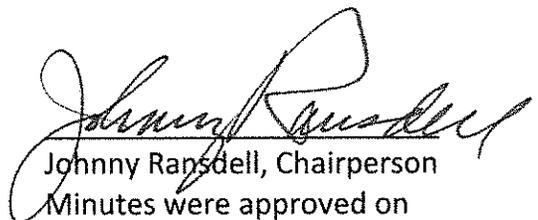
Ken Byrd gave an update concerning the Friends of Aberdeen Library.

7. Adjourn

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



Amy Fulp, Permit Technician
Minutes were completed in
Draft form on February 12, 2015.



Johnny Ransdell, Chairperson
Minutes were approved on
February 19, 2015.