

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

August 20, 2015  
Thursday, 6:00 p.m.

Robert N. Page Municipal Building  
Aberdeen, North Carolina

The Aberdeen Planning Board met Thursday, August 20, 2015 at 6:00 p.m. for the Regular Board Meeting. Members present were Chairman Johnny Ransdell, Raymond Lee, Richard Gergle, Tim Marcham, and Ken Byrd. Members not present were Janet Peele and Kelvin Watson. Others in attendance were Planning Director Pam Graham, Community/Downtown Development Planner Daniel Martin, Anna Lyles, and Donna Howard.

1. Call to Order

Chairman Ransdell called the meeting to order at 6: 01 p.m.

2. Informational Moment

Chairman Ransdell made mention of the lengthy packet and informed the audience that the majority of the amendments on the agenda are presented because of state legislative changes – in return the local government must make the necessary amendments to comply with the state.

3. Approval of Agenda

A motion was made by Ken Byrd, seconded by Richard Gergle, to approve the agenda of the Regular Meeting for August 20, 2015. Motion unanimously carried.

4. Approval of Minutes

A motion was made by Richard Gergle, seconded by Ken Byrd, to approve the minutes of the Special Called Meeting of April 29, 2015. Motion unanimously carried.

A motion was made by Ken Byrd, seconded by Richard Gergle, to approve the minutes of the Regular Meeting of May 21, 2015. Motion unanimously carried.

5. New Business

a. SU #15-03 Submitted by Anna Lyles for a Home Day Care.

Planning Director Graham gave a presentation on Special Use Permit SU #15-03 submitted by Anna Lyles for a home day care.

Ms. Lyles stated that the fire inspection has been performed.

Mr. Byrd asked when DHHS would come out, Ms. Lyles stated if and when approval is granted, DHHS would come out after.

Mr. Byrd also asked if DHHS required additional fencing, would she be prepared to do so. Ms. Lyles stated that she would be and that she is aware that the fence is to be approximately 4' high.

Motion 1 made by Ken Byrd, seconded by Tim Marcham, SU #15-03 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 Ken Byrd, SU #15-03 is complete as submitted. Motion unanimously carried.

Motion 3 made by Ken Byrd, seconded by Richard Gergle, SU #15-03, if completed as proposed, will comply with one or more requirements of the UDO. Motion unanimously carried.

Motion 4 made by Ken Byrd, seconded by Raymond Lee, SU #15-03 satisfies Finding #1: will not endanger public health or safety. Motion unanimously carried.

Motion 5 made by Tim Marcham, seconded by Richard Gergle, SU #15-03 satisfies Finding #2: will not substantially injure the value of adjoining or abutting property. Motion unanimously carried.

Motion 6 made by Richard Gergle, seconded by Ken Byrd, SU #15-03 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 Tim Marcham , SU #15-03 satisfies Finding #4: will be in general conformity with the Land Use Plan or other plans specifically adopted by the Board. Motion unanimously carried.

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

- Issues approval with conditions of SU #15-03 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 operation hours.
5. Adequate fenced outdoor play area shall be determined by DHHS.
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 are to be required prior to beginning operation, all to be coordinated through the Planning Department.

Motion unanimously carried.

- b. Consideration of Amendments to Planning Board Rules of Procedure.

Planning Director Pam Graham gave a brief presentation on recommended changes to Planning Board Rules of Procedure.

Ken Byrd requested that the item be removed from the agenda.

- c. UDO Text Amendment #15-04 Regarding Administrative Mechanisms.

Planning Director Graham gave a brief presentation on UDO Text Amendment #15-04 regarding administrative mechanisms. The amendment is needed to comply with NCGS 160A-388.

The Board and Planning Director Graham discovered grammatical and numerical errors in the amended section. The Board made a recommendation that this amendment and all subsequent amendments are to be reviewed by the Town's Attorney and Planning Director Graham before items are presented to the Board of Commissioners, ensuring mistakes have been corrected.

Motion 1 made by Richard Gergle, seconded by Raymond Lee, UDO #15-04 is not inconsistent with comprehensive plans that have been adopted by the Town of Aberdeen. Motion unanimously carried.

Motion 2 made by Ken Byrd, seconded by Richard Gergle, UDO #15-04 is reasonable and in the public interest. Motion unanimously carried.

Motion 3 made by Richard Gergle, seconded by Tim Marcham, the Planning Board does recommend the following amendment to the Town of Aberdeen Board of Commissioners to:

- Amend Article III "Administrative Mechanisms" as indicated in the attached draft text amendment.

Planning board recommended again correcting the numbering and typing in this document along with all subsequent changes. KB makes the motion RG seconds the motion.

Motion unanimously carried.

d. UDO Text Amendment #15-06 Regarding Permits and Plat Approvals.

Planning Director Graham gave a brief presentation on UDO Text Amendment #15-06 regarding permits and plat approvals. The amendment is needed to comply with NCGS 160A-375 and 160A-388.

Motion 1 made by Ken Byrd, seconded by Richard Gergle, UDO #15-06 is not inconsistent with comprehensive plans that have been adopted by the Town of Aberdeen. Motion unanimously carried.

Motion 2 made by Richard Gergle, seconded by Tim Marcham, UDO #15-06 is reasonable and in the public interest. Motion unanimously carried.

Motion 3 made by Ken Byrd, seconded by Richard Gergle, the Planning Board does recommend the following amendment to the Town of Aberdeen Board of Commissioners to:

- Amend Article IV "Permits and Final Plat Approval" as indicated in the attached draft text amendment.

Motion unanimously carried.

- e. UDO Text Amendment #15-07 Regarding Appeals, Variances, Special Exceptions and Interpretations.

Planning Director Graham gave a brief presentation on UDO Text Amendment #15-07 regarding appeals, variances, special exceptions and interpretations. The amendment is needed to comply with NCGS 160A-388.

Motion 1 made by Ken Byrd, seconded by Richard Gergle, UDO #15-07 is not inconsistent with comprehensive plans that have been adopted by the Town of Aberdeen. Motion unanimously carried.

Motion 2 made by Richard Gergle, seconded by Tim Marcham, UDO #15-07 is reasonable and in the public interest. Motion unanimously carried.

Motion 3 made by Ken Byrd, seconded by Raymond Lee, the Planning Board does recommend the following amendment to the Town of Aberdeen Board of Commissioners to:

- Amend Article V "Appeals, Variances, Special Exceptions and Interpretations" as indicated in the attached draft text amendment with required text to be added.

Motion unanimously carried.

- f. UDO Text Amendment #15-12 Regarding Variances.

Planning Director Graham gave a brief presentation on UDO Text Amendment #15-12 regarding variances. The amendment is needed to comply with NCGS 160A-388.

Motion 1 made by Ken Byrd, seconded by Richard Gergle, UDO #15-12 is not inconsistent with comprehensive plans that have been adopted by the Town of Aberdeen. Motion unanimously carried.

Motion 2 made by Richard Gergle, seconded by Tim Marcham, UDO #15-12 is reasonable and in the public interest. Motion unanimously carried.

Motion 3 made by Richard Gergle, seconded by Raymond Lee, the Planning Board does recommend the following amendment to the Town of Aberdeen Board of Commissioners to:

- Amend UDO 152-93 "Variances" as indicated in the attached draft text amendment.

Motion carried unanimously carried.

g. UDO Text Amendment #15-05 Regarding Hearing Procedures.

Planning Director gave a brief presentation on UDO Text Amendment #15-05 regarding hearing procedures. The amendment is needed to comply with NCGS 160A-388 and 160A-393.

Motion 1 made by Ken Byrd, seconded by Raymond Lee, UDO #15-05 is not inconsistent with comprehensive plans that have been adopted by the Town of Aberdeen. Motion unanimously carried.

Motion 2 made by Tim Marcham, seconded by Raymond Lee, UDO #15-05 is reasonable and in the public interest. Motion unanimously carried.

Motion 3 made by Richard Gergle, seconded by Raymond Lee, the Planning Board does recommend the following amendment to the Town of Aberdeen Board of Commissioners to:

- Amend Article VI "Hearing Procedures for Appeals and Applications" as indicated in the attached draft text amendment with corrected numbering.

Motion unanimously carried.

h. UDO Text Amendment #15-03 Regarding Military Notifications Required by Statute.

Planning Director Graham gave a brief presentation on UDO Text Amendment #15-03 regarding military notifications required by statute. The amendment is needed to comply with NCGS 160A-364(b).

Motion 1 made by Ken Byrd, seconded by Raymond Lee, UDO #15-03 is not inconsistent with comprehensive plans that have been adopted by the Town of Aberdeen. Motion unanimously carried.

Motion 2 made by Richard Gergle, seconded by Raymond Lee, UDO #15-03 is reasonable and in the public interest. Motion unanimously carried.

Motion 3 made by Tim Marcham, seconded by Ken Byrd, The Planning Board does recommend the following amendment to the Town of Aberdeen Board of Commissioners to:

- Amend subsection 152-323(E) as indicated in the attached draft text amendment

Motion unanimously carried.

i. UDO Text Amendment #15-13 Regarding Building Design Elements.

Planning Director Graham gave a brief presentation on UDO Text Amendment #15-13 Regarding Building Design Elements. The amendment is needed to comply with NC Senate Bill 25 (NC Session Law 2015-86).

Motion 1 was made by Richard Gergle, seconded by Ken Byrd, UDO #15-13 is not inconsistent with comprehensive plans that have been adopted by the Town of Aberdeen. Motion unanimously carried

Motion 2 made by Tim Marcham, seconded by Richard Gergle, UDO #15-13 is reasonable and in the public interest. Motion unanimously carried.

Motion 3 made by Ken Byrd, seconded by Raymond Lee, the Planning Board does recommend the following amendment to the Town of Aberdeen Board of Commissioners to:

Amend UDO Article XI, Part 2, "Supplementary Use Regulations" as indicated in the attached draft text amendment.

Motion unanimously carried.

j. UDO Text Amendment #15-11 Regarding Temporary Health Care Structures.

Planning Director Graham gave a brief presentation on UDO Text Amendment #15-11 regarding temporary health care structures. The amendment is needed to comply with NCGS 160A-383.5. The Board has some discretion with this amendment with regards to the fee amount, which is currently proposed at the maximum allowable by the statute.

Motion 1 made by Ken Byrd, seconded by Richard Gergle, UDO #15-11 is not inconsistent with comprehensive plans that have been adopted by the Town of Aberdeen. Motion unanimously carried.

Motion 2 made by Richard Gergle, seconded by Tim Marcham, UDO #15-11 is reasonable and in the public interest. Motion unanimously carried.

Motion 3 made by Richard Gergle, seconded by Ken Byrd, the Planning Board does recommend the following amendment to the Town of Aberdeen Board of Commissioners to:

- Amend 152-15 "Definitions" as indicated in the attached draft text amendment;
- Amend 152-150 "Accessory Uses" as indicated in the attached draft text amendment.

Motion unanimously carried.

k. UDO Text Amendment #15-09 Regarding Permitted Uses.

Planning Director Graham gave a brief presentation on UDO Text Amendment #15-09 regarding permitted uses. This amendment proposal results from the court's decision on Land v. Village of Wesley Chapel.

Motion 1 made by Ken Byrd, seconded by Richard Gergle, UDO #15-09 is not inconsistent with comprehensive plans that have been adopted by the Town of Aberdeen. Motion carried unanimously.

Motion 2 made by Richard Gergle, seconded by Tim Marcham, UDO #15-09 is reasonable and in the public interest. Motion carried unanimously.

Motion 3 made by Ken Byrd, seconded by Raymond Lee, the Planning Board does recommend the following amendment to the Town of Aberdeen Board of Commissioners to:

- Amend 152-149 "Permissible Uses and Specific Exclusions" as indicated in the attached draft text amendment.

Motion unanimously carried.

I. UDO Text Amendment #15-08 Regarding the Definition for Hotels.

Planning Director Graham gave a brief presentation on UDO Text Amendment #15-08 regarding the definition for hotels. The need for this amendment was recognized during the Town Board's approval of the Marriott Towne Place Suites project last year. It was determined that the UDO's definition for "Hotels" was in need of updating.

Mr. Byrd recommends going on the record to inform the Board that the Planning Board is comfortable with the attached text amendments due to the fact that Town Staff and the Town Attorney have done their due diligence to investigate all definitions, terms, and amendments that are recommended herein.

Motion 1 made by Ken Byrd, seconded by Richard Gergle, UDO #15-08 is not inconsistent with comprehensive plans that have been adopted by the Town of Aberdeen. Motion unanimously carried.

Motion 2 made by Richard Gergle, seconded by Tim Marcham, UDO #15-08 is reasonable and in the public interest. Motion unanimously carried.

Motion 3 made by Raymond Lee, seconded by Ken Byrd, the Planning Board does recommend the following amendment to the Town of Aberdeen Board of Commissioners to:

- Amend subsection 152-15 as indicated in the attached draft text amendment

Motion unanimously carried.

m. UDO Text Amendment #15-10 Regarding Special Exceptions.

Planning Director Graham gave a brief presentation on UDO Text Amendment #15-10 regarding special exceptions. This amendment is being proposed to address a specific circumstance with a pre-fab shed that was installed without permits and in violation of setback requirements. The Special Exception language currently allows for setback reductions, but does not address accessory structures

specifically. The amendment would create a method for addressing accessory structures as a special exception.

The Board made the following recommendations to subsection (f) of 152. 94.

- Change “zero feet” to state “no less than 2 feet”
- And that the property line in question be verified be surveyed by a licensed surveyor or engineer

Motion 1 made by Ken Byrd, seconded by Raymond Lee, UDO #15-10 is inconsistent with comprehensive plans that have been adopted by the Town of Aberdeen. Motion unanimously carried.

Motion 1 was withdrawn.

Motion 1 made by Ken Byrd, seconded by Raymond Lee, UDO #15-10 is not inconsistent with comprehensive plans that have been adopted by the Town of Aberdeen. Motion unanimously carried.

Motion 2 made by Richard Gergle, seconded by Tim Marcham, UDO #15-10 is reasonable and in the public interest. Motion unanimously carried

Motion 3 made by Tim Marcham, seconded by Raymond Lee, the Planning Board does recommend the following amendment to the Town of Aberdeen Board of Commissioners to:

- Amend subsection 152-92.1 as indicated in the attached draft text amendment, with changes as described.

Motion unanimously carried.

## 6. Old Business

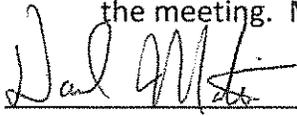
### a. General Updates

Planning Director Graham stated the County Board of Commissioners has approved the purchase of the property for the future site of the new Aberdeen Elementary School.

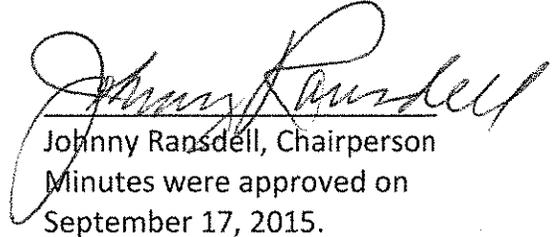
Mr. Byrd stated that the Aberdeen Library is moving forward. 254 letters were mailed to past Aberdeen High School students, 11.5% return rate, donations from \$25-\$2,500 dollars so far.

7. Adjourn

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



Daniel Martin, Community Development Planner  
Minutes were completed in  
Draft form on September 1, 2015.



Johnny Ransdell, Chairperson  
Minutes were approved on  
September 17, 2015.