

MINUTES
Regular Meeting of the
Aberdeen Planning Board

October 15, 2015
Thursday, 6:00 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

The Aberdeen Planning Board met Thursday, October 15, 2015 at 6:00 p.m. for the Regular Board Meeting. Members present were Chairman Johnny Ransdell, Raymond Lee, Janet Peele, Ken Byrd, Tim Marcham, Richard Gergle, Bryan Bowles, and alternate Ron Utley. Others in attendance were Planning Director Pam Graham, Permit Technician Amy Fulp, Atul Patel, Jitu Gandhi, Gary Shah, Chris Gilder, and Todd Abbey.

1. Call to Order

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

2. Informational Moment

Chairman Ransdell gave an informational moment on the meaning of Conditional Use Permits and Special Use Permits.

3. Approval of Agenda

A motion was made by Raymond Lee, seconded by Janet Peele, to approve the agenda of the Regular Meeting for October 15, 2015. Motion unanimously carried.

4. Approval of Minutes

A motion was made by Tim Marcham, seconded by Ken Byrd, to approve the minutes of the Regular Meeting of August 20, 2015. Motion unanimously carried.

5. New Business

a. Swearing in of Bryan Bowles to Service to the Planning Board.

Permit Technician Amy Fulp swore Bryan Bowles in as a new Planning Board Member.

b. Acknowledgement of Peter Koch's and Kelvin Watson's Service to the Planning Board.

Chairman Ransdell thanked Peter Koch for his service to the Planning Board and presented him with a plaque.

- c. Special Use Permit SU #15-04 Requested by Atul Patel for Restaurant Consumption outside a Fully Enclosed Structure.

Planning Director Graham gave a presentation on Special Use Permit SU #15-04 requested by Atul Patel for restaurant consumption outside a fully enclosed structure.

Atul Patel stated they only have one entrance door and they had to come up with an exit door; the new exit door will be facing Highway 1 when finished. They also needed a walking path so they decided at the same time to add a patio with black steel railing.

Ken Byrd asked the applicant how they will keep debris from blowing out into the street; will they have any type of netting or fencing from the railing coming down to the ground to contain the debris. Mr. Patel stated he is planning on putting up black steel railing and he will see what else is available. Ken Byrd asked to add a recommended condition number seven concerning this.

Planning Director Graham asked will there be a gate at the patio and Mr. Patel said no there will be a sidewalk opening. Ken Byrd added if after a period of time there is quite a bit of debris going out into the parking lot then the Planning Board will want to readdress how the applicant can put a gate there to contain the trash.

Janet Peele asked will the patio area be handicap accessible to the parking lot and the applicant said yes.

Motion 1 made by Janet Peele, seconded by Ken Byrd, SU #15-04 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 Richard Gergle, SU #15-04 is complete as submitted. Motion unanimously carried.

Motion 3 made by Ken Byrd, seconded by Bryan Bowles, SU #15-04, 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 #15-04 satisfies Finding #1: will not endanger public health or safety. Motion unanimously carried.

Motion 5 made by Ken Byrd, seconded by Richard Gergle, SU #15-04 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 Janet Peele, SU #15-04 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 Janet Peele, SU #15-04 satisfies Finding #4: will be in general conformity with Land Use Plan or other plans specifically adopted by the Board. Motion unanimously carried.

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

- Issues approval with conditions as stated of SU #15-04 as follows.
 1. Special Use Permits run with the property and as such SU #15-04 applies to the entirety of the parcel identified by PID: #00055430. An amendment is needed to remove or add property to the SUP or to make changes to the SUP. If an activity is a use by right, it is not subject to the SUP.
 2. Approval of the Special Use Permit is contingent upon an approved site plan from the Planning Department staff.
 3. Any proposed signage must be approved by the department and meet all sign requirements of the UDO under separate application.
 4. Building permits shall be pulled for installation of the addition of the outdoor patio area of the restaurant and shall be inspected prior to use.
 5. County Health Department shall be notified of the additional outdoor seating establishment.
 6. All additional conditions or requirements as provided in the Town of Aberdeen UDO are enforceable with regards to SU #15-04.
 7. A railing is to have a barrier, such as fencing or netting, to contain debris. If the walkway to the parking becomes a debris field the opening shall be enclosed to prevent debris from leaving the patio.

- d. Conditional Use Permit CU #15-06 Requested by Jitu Gandhi for a Hotel/Lodging Use.

Planning Director Graham gave a presentation on Conditional Use Permit CU #15-06 requested by Jitu Gandhi for a Hotel/Lodging use.

Richard Gergle asked on multiple use parking lots who is responsible for maintenance of the parking lot. Planning Director Graham stated technically it is the property owner and whatever property is on their line.

Ron Utley had concerns about the police having access to private citizen's information and their right to privacy. Jitu Gandhi added they do not give information concerning their guest list to just anyone only to the local police. Planning Director Graham stated she will run this through the town attorney before it goes before the Town Commissioners and resolve any gray areas.

Ken Byrd asked the reason for recommended condition number five "k"; weekly rentals of rooms shall be prohibited. Planning Director Graham stated it is a condition that the applicant offered.

Richard Gergle had concerns about access for emergency vehicles. Planning Director Graham said before they begin operation the plans will be reviewed by the Fire Department and they will be looking at that.

Ken Byrd asked about verifying license and who will be verifying license. Gary Shah said he can only verify that the license is not expired. Planning Director Graham stated they can change the recommend condition five "a" to read "they will verify that they have a current license".

Ken Byrd asked about checking that a renter has a valid license plate. Planning Director Graham stated we can change valid to current license plate in recommended condition five "b".

Gary Shah added they are doing renovations and will be bringing in a National Brand, but they have not decided which one yet. He is very glad that the city is interested in them doing this; it should be a mid-upscale brand.

Ken Byrd asked will there be a recording device and Mr. Shaw said yes; typically they have enough space to record for one month.

Motion 1 made by Ken Byrd, seconded by Bryan Bowles, CU #15-06 is within the jurisdiction of the Planning Board according to the Table of Permissible Uses. Motion unanimously carried.

Motion 2 made by Bryan Bowles, seconded by Ken Byrd, CU #15-06 is complete as submitted. Motion unanimously carried.

Motion 3 made by Janet Peele, seconded by Tim Marcham, CU #15-06, if completed as proposed, will comply with all requirements of the UDO. Motion unanimously carried.

Motion 4 made by Ken Byrd, seconded by Raymond Lee, CU #15-06 satisfies Finding #1: will not endanger public health or safety. Motion unanimously carried.

Motion 5 made by Janet Peele, seconded by Raymond Lee, CU #15-06 satisfies Finding #2: will not substantially injure the value of adjoining or abutting property. Motion unanimously carried.

Motion 6 made by Bryan Bowles, seconded by Tim Marcham, CU #15-06 satisfies Finding #3: will be in harmony with the area in which it is to be located. Motion unanimously carried.

Motion 7 made by Janet Peele, seconded by Richard Gergle, CU #15-06 satisfies Finding #4: will be in general conformity with Land Use Plan or other plans specifically adopted by the Board. Motion unanimously carried.

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

- Recommends approval with amended conditions of CU #15-06 as follows. And also make sure the town attorney looks at this and all are satisfied.
- 1. Conditional Use Permits (CUPS) run with the land and as such CU #15-06 applies to the entirety of the property reflected in Parcel ID #00047309. 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 the CU #15-06 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. Building and Fire Inspections are to be required prior to beginning operation, all to be coordinated through Planning and Inspections Departments.
- 4. Any and all required permits and/or approval from other regulatory agencies must be in place prior to issuance of a Notice to Proceed by the Planning Department.

5. The proposal shall institute and maintain the following as part of their general operation plan:
 - a. Rooms shall only be rented to persons with a current driver's license or state-issued identification;
 - b. Rooms shall only be rented to persons arriving by vehicle with current license plates;
 - c. Guest registration shall include vehicle license number and make and model of the vehicle;
 - d. A parking pass shall be issued to all registered guests and shall be visible on the dashboard of the vehicle at all times while on the property;
 - e. Visitors of registered guests shall be issued a visitor pass which shall be visible on the dashboard of their vehicle at all times while on the property;
 - f. Vehicles on the property without either a guest pass or a visitor pass shall be towed;
 - g. On-premise, armed security personnel shall be on site during the hours of 10:00 pm to 5:00 am, and any additional hours as established by the hotel management;
 - h. Visitation of non-registered guests to guest rooms shall be prohibited between the hours of 11:00 pm and 8:00 am. Visitor vehicles on the property outside of these established hours shall be towed;
 - i. Signs shall be prominently displayed on the property that state the towing policies as stated above;
 - j. Aberdeen Police Department personnel shall have access to the guest registry at all times;
 - k. Weekly rentals of rooms shall be prohibited;
 - l. The Aberdeen Police Chief, or his designee, shall evaluate the exterior lighting on site prior to beginning operation and shall provide a written statement to the Planning Director and the applicant regarding the sufficiency of the lighting for security purposes. Approval of the conditional use is contingent the statement's verification of sufficiency and on continued maintenance of sufficient lighting as determined by the Police Chief or designee;
 - m. The Aberdeen Police Chief, or his designee, shall evaluate the function, quantity, and location of surveillance cameras on the property prior to beginning operation and shall provide a written statement of the Planning Director and the applicant regarding the sufficiency of the cameras for security purposes. Approval of the conditional use is contingent the statement's verification of sufficiency and on

- continued maintenance of sufficient surveillance cameras as determined by the Police Chief or designee;
- n. Aberdeen Police Department personnel shall have access to surveillance cameras at all times;
 - o. Signs shall be prominently displayed on the property that state that the property is protected by surveillance cameras;
 - p. All parking of vehicles shall be aligned with parking lines so that license plates may be easily viewed;
 - q. The hotel manager shall live on site;
 - r. The rear driveway that leads to the adjacent property to the west shall remain closed by a barrier that requires a key to access.
6. 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 department prior to installation.
7. All additional conditions or requirements as provided from the Town of Aberdeen Unified Development Ordinance are enforceable with regards to the operations proposed by CU #15-06.

Motion unanimously carried.

- e. Conditional Zoning CZ #15-02 Requested by Southern Pines Gaines (Danielle Orloff) to Conditionally Rezone Property Located at 3140 Highway 5 from C-I to C-I-C.

Chairman Ransdell asked to be recused from this request. All Planning Board members approved Chairman Ransdell's recusal. Bryan Bowles asked to be recused from this request. All Planning Board members approved Bryan Bowles's recusal. Ken Byrd took over as chairperson.

Planning Director Graham gave a presentation on Conditional Zoning CZ #15-02 requested by Southern Pines Gaines (Danielle Orloff) to conditionally rezone property located at 3140 Highway 5 from C-I to C-I-C.

Ken Byrd asked by rezoning will there be any impact on the other four businesses in the building and Planning Director Graham said no.

Chris Gilder addressed the Planning Board and gave them a brief description of what they have planned. Todd Abbey also addressed the Planning Board and talked about what they would bring in as far as multiple

sports and events to the facility. They also have no plans to change the infrastructure of the building as per the request of the owner, Mr. O'Malley.

Chris Gilder stated they do have some interests, if this does happen, from other businesses who would like to locate their businesses within this facility because this business will be there. Ken Byrd asked when they would like to go into the building and Chris Gilder said they would like to go into the facility as soon as possible.

Todd Abbey gave a description to the Planning Board the types of programs they will offer.

Janet Peele asked what the length of their lease with Mr. O'Malley might be to start off with. Todd Abbey stated right now they are talking in terms of a year or two to get it up and running and then getting into a longer lease term from there; right now they are just waiting to see what the results of these meetings are because this is an investment.

Ken Byrd asked if there are any questions or comments concerning the Insite letter. Janet Peele stated the letter points out when you mix recreation and industry there is a fatal flaw, there are liability issues and things like that. But listening to the applicants and they say that this may or may not be temporary and if Mr. O'Malley came in with a sale or use for the entire building they do not have him locked up so tight that they are not willing to find another spot.

Motion 1 made by Richard Gergle, seconded by Raymond Lee, CZ #15-02 is not consistent with adopted plans of the Town of Aberdeen. Motion unanimously carried.

Motion 2 made by Raymond Lee, seconded by Richard Gergle, based on information presented by the applicant, staff, and other interested parties, Conditional Zoning CZ #15-02 does have an acceptable level of impact on both the immediate area and community as a whole. Motion unanimously carried.

Motion 3 made by Richard Gergle, seconded by Raymond Lee, the Planning Board does recommend approval of Conditional Zoning CZ #15-02 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 (UDO) prior to the Public Hearing held by the Board of Commissioners.

2. Any and all approvals including but not limited to permits from the Town or other regulatory agencies must be obtained prior to a notice to proceed by the Planning Department.
3. The applicant shall retain existing vegetation in the buffer areas and elsewhere on the property to continue meeting landscaping and screening requirements.
4. Conditional and Special Use Permits for the uses on the property shall not be required for the uses specified by Conditional Zoning #15-02.
5. The conditional zoning is contingent on approval of a final site plan by staff to insure compliance with the UDO.
6. Staff is directed to enter Conditional Zoning District C-I-C for property identified by PID #00050942 on the official zoning map and add a label for CZ #15-02 upon final approval.

Motion unanimously carried.

4. Old Business

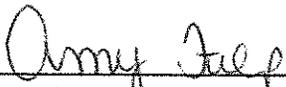
a. General Updates

Planning Director Graham asked the Planning Board what would work best for them to get their packets for each meeting; emailed in advance or printed. Janet Peele said she reads hers at night or early morning. She asked Planning Director Graham to maybe add a note on packets when something is being sent electronically but not being printed. Ken Byrd suggested continuing sending the packets electronically but stopping printing the colored zoning maps and just displaying them during the meetings. He also suggested keeping all printouts black and white, no color.

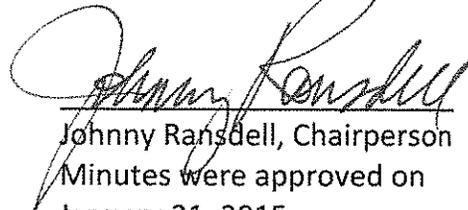
Ken Byrd gave an update on Friends of the Aberdeen Library.

7. Adjourn

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



Amy Fulp, Permit Technician
Minutes were completed in
Draft form on November 10, 2015.



Johnny Ransdell, Chairperson
Minutes were approved on
January 21, 2015.

