

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

February 18, 2016  
Thursday, 6:00 p.m.

Robert N. Page Municipal Building  
Aberdeen, North Carolina

The Aberdeen Planning Board met Thursday, February 18, 2016 at 6:00 p.m. for the Regular Board Meeting. Members present were Chairman Johnny Ransdell, Tim Marcham, Richard Gergle, Janet Peele, Raymond Lee, and Bryan Bowles. Members not present were Bill Prevatte and Alternate Ron Utley. Others in attendance were Planning Director Pam Graham, Permit Technician Amy Fulp, Community/Downtown Development Planner Daniel Martin, Planner Kathy Blake, Floyd Frye, Susan Bellew, Alan Cassavant, and Jeff McCluskey

1. Call to Order

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

2. Informational Moment

There was no informational moment at the meeting of February 18, 2016.

3. Approval of Agenda

Planning Director Graham stated we will need to pull item 5d from the agenda; the applicant has asked for a postponement until the March meeting.

A motion was made by Janet Peele, seconded by Richard Gergle, to approve the agenda of the Regular Meeting for February 18, 2016. Motion unanimously carried.

4. Approval of Minutes

A motion was made by Richard Gergle, seconded by Bryan Bowles, to approve the minutes of the regular meeting of January 21, 2016. Motion unanimously carried.

5. New Business

a. Nominations for Vice Chair of the Planning Board.

Chairman Ransdell opened the floor for nominations for Vice Chair of the Planning Board.

Janet Peele nominated Raymond Lee for Vice Chair of the Planning Board and Richard Gergle seconded the nomination. Richard Gergle asked to close nominations and this was seconded by Janet Peele. Motion unanimously carried that Raymond Lee is elected as Vice Chair of the Planning Board.

- b. Special Use Permit SU #16-01 for an Open Air Market at 3140 NC Highway 5.

Planning Director Graham gave a presentation on Special Use Permit SU #16-01 for an Open Air Market at 3140 NC Highway 5.

Floyd Frye stated he does not even know if he will be interested in opening on Sundays until after 12:00 p.m. Mr. Frye stated the flea market business is a multi-million dollar business. Mr. Frye added he thinks what he is talking about would be an asset to the Town of Aberdeen. He also feels that it would be an asset to local farmers to bring in fresh produce.

Chairman Ransdell asked what the hours of operation would be and Mr. Frye said it is sort of a seasonal thing. Richard Gergle asked Mr. Frye if he had a rough idea of what his hours of operation will be and Mr. Frye said in the summer they will probably open by 7:00 a.m. and run until 5:00 p.m. or 6:00 p.m.

Chairman Ransdell asked if they will have toilet facilities on site and Mr. Frye said yes. Planning Director Graham asked if the bathrooms inside the building would be used and Mr. Frye said they would probably use port-a-toilets at first.

Richard Gergle asked about having two entrances to the property or two exits and with the kind of population that might attend there is potential around the back of the building for undesirable development; maybe there should not be two entrances. Planning Director Graham stated that there could be a condition creating a limitation and freedom of movement on the site; require that any number of the gates be closed and maybe the entry gate be manned or monitored.

Janet Peele asked if they will have access to running water and Mr. Frye said yes. Raymond Lee asked if they will need to access electricity and Mr. Frye said there are some outlets that can be used but they would probably be restricted to food vendors.

Tim Marcham asked if the pond is fenced in and Mr. Frye said there is a fence around it.

Janet Peele asked if there is an agreement on use of interior space. Mr. Frye said the tables will be stored inside but the public will not have access to the inside of the building.

Bryan Bowles made a recommendation that the back gate be closed at least during Fridays to restrict public access to the back of the structure. Richard Gergle and Raymond Lee suggested that the back gate be closed on all days. Tim Marcham added he wants to make sure the access to the pond is fenced. Mr. Frye stated the fence around the pond is probably close to 5 foot.

Planning Director Graham stated she would like to add a condition that all trailers, tents, tables, or other items used in the market are to be removed from the outdoor areas on days when the market is not in operation. Another added condition is the gate that is located at the rear of the parking area shall remain locked at all times during operation of the market.

Chairman Ransdell stated he would like to add a recommended condition that it also comply with any applicable health and safety regulations. Planning Director Graham stated one thing they can add is any and all approvals including but not limited to permits from the Town or other regulatory agencies must be obtained prior to operation.

Motion 1 made by Richard Gergle, seconded by Janet Peele, SU #16-01 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 Richard Gergle, SU #16-01 is complete as submitted. Motion unanimously carried.

Motion 3 made by Raymond Lee, seconded by Tim Marcham, SU #16-01, if completed as proposed, will comply with all requirements of the UDO. Motion unanimously carried.

Motion 4 made by Raymond Lee, seconded by Bryan Bowles, SU #16-01 satisfies Finding #1: will not endanger public health or safety. Motion unanimously carried.

Motion 5 made by Richard Gergle, seconded by Tim Marcham, SU #16-01 satisfies Finding #2: will not substantially injure the value of adjoining or abutting property. Motion unanimously carried.

Motion 6 made by Tim Marcham, seconded by Bryan Bowles, SU #16-01 satisfies Finding #3: will be in harmony with the area in which it is located. Motion unanimously carried.

Motion 7 made by Richard Gergle, seconded by Raymond Lee, SU #16-01 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 Bryan Bowles, based on the Findings of Fact and the evidence presented, the Planning Board:

- Recommends approval with conditions as amended of SU #16-01 as follows:

1. Special Use Permits run with the property and as such SU #16-01 applies to the entirety of the parcel identified by PID: #00050942. 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. The use approved by SU #16-01 shall be confined to the identified area on the site plan provided by the property owner. Planning Department Staff shall be notified of any proposed or expected expansion beyond the identified area and such expansion shall be contingent on any applicable approval(s).
3. Existing vegetative screening on site shall remain unless approved by Planning Department staff.
4. Any proposed signage must be approved by the Department and meet all sign requirements of the UDO under separate application.
5. All additional conditions or requirements as provided in the Town of Aberdeen UDO are enforceable with regards to SU #16-01.
6. All trailers, tents, tables, or other items used in the market are to be removed from the outdoor areas on days when the market is not in operation.
7. The gate that is located in the rear of the parking area shall remain locked at all times during operation of the market; access shall only be allowed through the gate at the Highway 5 entrance.
8. Any and all approvals including but not limited to permits from the Town or regulatory agencies must be obtained prior to operation.

Motion unanimously carried.

- c. Conditional Zoning CZ #16-01 Submitted by Family Promise of Moore County to Allow a Temporary Home for Homeless Persons.

Planning Director Graham gave a presentation on Conditional Zoning CZ #16-01 submitted by Family Promise of Moore County.

Susan Bellew talked to the Planning Board about Family Promise and what they do and what their plans are.

Ms. Bellew stated they do come with a lot of rules that the families have to adhere to because they want it to be a nice family environment for everyone involved.

Motion 1 made by Bryan Bowles, seconded by Janet Peele, Conditional Zoning CZ #16-01 is consistent with adopted plans of the Town of Aberdeen. Motion unanimously carried.

Motion 2 made by Tim Marcham, seconded by Richard Gergle, based on the information presented by the applicant, staff, and other interested parties. Conditional Zoning CZ #16-01 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 Richard Gergle, seconded by Raymond Lee, the Planning Board does recommend approval of Conditional Zoning CZ #16-01 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 on the property to ensure compliance with landscaping and screening requirements.
4. A fence at no less than four foot in height shall be installed along the property line that borders the pond.
5. Any expected changes in the use of the property shall be reported to the Town of Aberdeen Planning Department and will be contingent on necessary approval(s).
6. Conditional and Special Use Permits for the uses on the property shall not be required for the uses specified by Conditional Zoning #16-01.
7. Staff is directed to enter Conditional Zoning District R6-10-CD for property identified by PID# 00047428 on the official zoning map and add a label for CZ #16-01 upon final approval.

Motion unanimously carried.

- d. Conditional Use Permit CU #16-02 for a Major Subdivision on Shepherd's Trail.

Planning Director Graham gave a presentation on Conditional Use Permit CU #16-02 for a Major Subdivision on Shepherd's Trail.

Alan Cassavant addressed the Planning Board and talked about his plans and improvements for the subdivision.

Bryan Bowles asked will this be done in four phases and Mr. Cassavant said there will be four phases.

Planning Director Graham read over the recommended conditions.

Janet Peele asked if because of the woodpecker study does that mean instead of a 12 inch caliber tree it becomes an 8. Planning Director Graham stated they can make that change but it is not a requirement of our UDO.

Motion 1 made by Janet Peele, seconded by Richard Gergle, CU #16-02 is within the jurisdiction of the Planning Board according to the Table of Permissible Uses. Motion unanimously carried.

Motion 2 made by Richard Gergle, seconded by Tim Marcham, CU #16-02 is complete as submitted. Motion unanimously carried.

Motion 3 made by Janet Peele, seconded by Richard Gergle, CU #16-02, if completed as proposed, will comply with all requirements of the UDO. Motion unanimously carried.

Motion 4 made by Richard Gergle, seconded by Bryan Bowles, CU #16-02 satisfies Finding #1: will not endanger public health or safety. Motion unanimously carried.

Motion 5 made by Tim Marcham, seconded by Richard Gergle, CU #16-02 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 Raymond Lee, CU #16-02 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 Raymond Lee, CU #16-02 does not satisfy Finding #4: will be in general conformity with Land Use Plan or other plans specifically adopted by the Board; the Land Use Plan identifies the area as commercial. 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:

- Recommends approval with conditions of CU #16-02 as follows:

1. Conditional Use Permits (CUPS) run with the land and as such CU #16-02 applies to the entirety of the property reflected in Parcel ID #00049149 and 20060513. 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 #16-02 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. Plans submitted for this review shall include, but not limited to, utility locations including size, material, and vertical alignment of waterlines, engineering calculations assuring that proposed stormwater measures meet or exceed the requirements Article XVI, Part 2, Drainage, Erosion Control and Stormwater Management of the UDO.
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. The development is authorized to create a maximum of ninety-one (91) single family lots and construction documents generally based on the Site Sketch Plan dated January 7, 2016.
5. Open Space shall generally comply with the 1/7/16 plan and in no case may be reduced to less than 20% of the total land area for the development. Prior to approval of the Final Plat for the subdivision the developer shall establish a Homeowners' Association with covenants to include a policy for maintenance of the open space, including any improvements such as walking trails. A copy of the covenants shall be provided to staff for review and record-keeping. Covenants shall comply with the requirements of §152-179 and §152-180.
6. Tree harvest and mass grading are not authorized as a result of this approval. Construction documents, including a grading plan, shall be reviewed by staff for compliance with the UDO.

7. The applicant is required to install sidewalks on both sides of all new streets, or provide a guarantee with initiation of each phase of development in accordance with the requirements of the UDO.
8. The applicant shall supply Planning Staff with an assessment from US fish and Wildlife Agency with regards to Red Cockaded Woodpecker, or other protected species, activities on the property prior to site disturbance. Evidence of such activities authorizes staff to require amendments to the plan to minimize impacts.
9. Streets, sidewalks, waterlines, and sewer and stormwater facilities shall meet all UDO requirements and are to be dedicated to the Town of Aberdeen contingent upon inspection and approval by the Public Works Department. Preliminary and Final Plats shall identify any and all town easements related to these facilities. Details shall be reviewed by staff during the Site Plan Review process following approval of the conditional use permit.
10. The Fire Department must sign off on the drawings as well as available capacity for treating fires. Hydrants are required consistent with their spacing requirements. Adequate turning radius must be provided for the fire trucks currently in use.
11. Prior to approval of final plats(s), all infrastructure must be complete or guaranteed per UDO requirements.
12. Street trees shall be installed prior to final plat approval or as a requirement of the building permit for each lot and shall be consistent with official species list provided in §98.03 of the Aberdeen Code of Ordinances or with "Trees of the Carolinas" (Appendix J of the UDO) and planted at the appropriate rate. Compliance with the street tree requirements will be reviewed by staff and staff is authorized to insure compliance prior to issuing a certificate of occupancy of each lot.
13. Sharrows and marked crosswalks shall be installed or guaranteed prior to final plat approval consistent with the requirements of the Comprehensive Pedestrian and Bicycle Plans.
14. A perimeter buffer or undisturbed vegetation or newly planted screening material for the development is required to prevent lots from being cleared to the perimeter boundary. The developer shall coordinate with the Public Works and Planning Departments regarding specifics of buffer requirements and maintenance following approval of the CUP.
15. All additional conditions or requirements as provided by the Town of Aberdeen Unified Development Ordinance are enforceable with regards to proposal CU #16-02.

Motion unanimously carried.

- e. UDO Text Amendment UDO #16-01 Regarding Allowable Uses in the Downtown Retail Overlay District (DROD).

Community/Downtown Development Planner Daniel Martin gave a presentation on UDO Text Amendment UDO #16-01 Regarding Allowable Uses in the Downtown Retail Overlay District (DROD).

Richard Gergle asked if there was any consideration given to expanding the overlay district. Planning Director Graham stated they have talked about it in their Downtown Task Force meetings but they have don't have it as part of this Text Amendment. They should explore it but are not prepared to tonight; they would like to do it as a separate issue.

Janet Peele asked why they would exclude pool halls. Planning Director Graham stated somewhere down the line pool halls were excluded. Janet Peele stated she thinks they should set it up so they can take each occurrence and look and see what the plan is. Planning Director Graham added if the Planning Board wants pool halls to also be removed from the list of prohibited uses then that's the way they will word this as it goes to the Town Board.

Richard Gergle asked for a definition of a game room and Bryan Bowles asked for a definition of a pool hall. Planning Director stated they do not have a definition for game rooms and that may be something they need to create. Bryan Bowles stated they may need to leave it like it is until they can get definitions established and approved for those two uses; we need to define what those two are before we take them out.

Motion 1 made by Tim Marcham, seconded by Richard Gergle, UDO #16-01 is not inconsistent with comprehensive plans that have been adopted by the Town of Aberdeen; it is consistent because of goal #8 and the Land Development Plan. Motion unanimously carried.

Motion 2 made by Raymond Lee, seconded by Tim Marcham, UDO #16-01 is reasonable and in the public interest; because of the character of the area in relationship to the uses is applicable for the downtown district. Motion unanimously carried.

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

- Amend Article XI "Overlay District and Supplementary Use Regulations" as indicated in the attached draft text amendment.

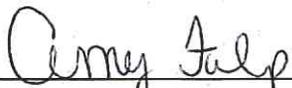
Motion unanimously carried.

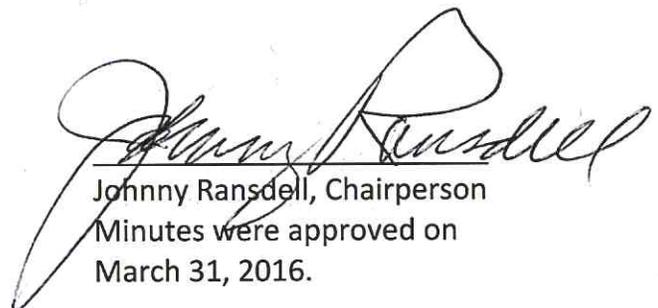
6. Progress Report

Planning Director Graham gave an update on some sign issues and also on changes going on in the Downtown area.

7. Adjourn

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

  
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Amy Fulp, Permit Technician  
Minutes were completed in  
Draft form on March 22, 2016.

  
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Johnny Ransdell, Chairperson  
Minutes were approved on  
March 31, 2016.