

MINUTES
Special Called Meeting of the
Aberdeen Planning Board

March 31, 2016
Thursday, 6:00 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

The Aberdeen Planning Board met Thursday, March 31, 2016 at 6:00 p.m. for a Special Called Meeting. Members present were Chairman Johnny Ransdell, Tim Marcham, Richard Gergle, Janet Peele, Raymond Lee, Bill Prevatte, and Bryan Bowles. Member not present was Alternate Ron Utley. Others in attendance were Planning Director Pam Graham, Permit Technician Amy Fulp, Planner Kathy Blake, Jim Lawson, Terri Gaar, Bill Lester, and Bob Koontz.

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 concerning State Legislature challenging the authority of Municipalities.

3. Approval of Agenda

Planning Director Graham asked to move agenda item 5a to 5d and all other items will move up.

A motion was made by Richard Gergle, seconded by Bryan Bowles, to approve the agenda of the Special Called Meeting for March 31, 2016 as changed. Motion unanimously carried.

4. Approval of Minutes

A motion was made by Richard Gergle, seconded by Janet Peele, to approve the minutes of the regular meeting of February 18, 2016 as amended. Motion unanimously carried.

5. New Business

- a. Conditional Zoning CZ #16-02 Submitted by James Robey and Margaret Brown.

Planning Director Graham gave a presentation on Conditional Zoning CZ #16-02 Submitted by James Robey and Margaret Brown.

Jim Lawson addressed the Planning Board and stated the Browns are looking to sell this property. Mr. Lawson talked about why they asked for the zoning request and what their plans are.

Raymond Lee asked if they are planning to sell it before it is finished. Mr. Lawson stated they would like to get the combination of the owners along with a builder, submit plans, show how to finish the roads off, and then hopefully bring that to the Planning Board for approval; then it would be an obvious sale. Planning Director Graham stated if a Conditional Use Permit is approved for this with a concept plan and the conditions attached then that stays with the property.

Richard Gergle asked if there is a time limit on the Conditional Use and Planning Director Graham stated it is one year; they could come in for a one year extension if they weren't able to get started within a year.

Janet Peele asked about the green space requirement and would it come under the next stage. Planning Director Graham stated it will come under the next stage and with multi-family there is open space requirement for each unit; it could be an outside patio or something common to the area.

Bill Prevatte asked if these will be built and sold or sold and built. Planning Director Graham said she doesn't think anyone knows at this point but the current owners want to sell it with an approval attached so that whoever buys it is not going in as blind as they did.

Motion 1 made by Janet Peele, seconded by Richard Gergle, Conditional Zoning CZ #16-02 is not consistent with adopted plans of the Town of Aberdeen; because the current zoning does not match with the Future Land-Use Map. Motion unanimously carried.

Motion 2 made by Raymond Lee, seconded by Tim Marcham, based on the information presented by the applicant, staff, and other interested parties, Conditional Zoning CZ #16-02 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 Bryan Bowles, the Planning Board does recommend approval of Conditional Zoning CZ #16-02 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. A Conditional Use Permit for the uses on the property shall be required for the uses specified by Conditional Zoning #16-02, at which time additional conditions may be attached at the discretion of the Town Board.
3. Staff is directed to enter Conditional Zoning District R20-16-CD for property identified by PID #20060539, 20060540, 20060541, 20060542, and 20060543 on the official zoning map and add a label for CZ #16-02 upon final approval.

Motion unanimously carried.

- b. Conditional Use Permit CU #16-03 for a Major Subdivision Submitted by Habitat for Humanity of the NC Sandhills.

Planning Director Graham gave a presentation on Conditional Use Permit CU #16-03 for a Major Subdivision submitted by Habitat for Humanity of the NC Sandhills.

Terri Gaar addressed the Planning Board and talked about the addition to the Broadway Community and what their plans are concerning the subdivision.

Bill Prevatte made a motion to kill this project until a later date; they have a project going on now that is not finished. Ms. Gaar stated they will not begin work on the second phase until fiscal year 2018. Ms. Gaar also added they intend to finish two current houses by July of this year.

Bryan Bowles asked if the CUP is only good for one year then they will have to start this project in 2017. Planning Director Graham stated that is true or they can get a one year extension.

Chairman Ransdell asked can they delay one project because of another; legally can they do that. Planning Director Graham stated it would have to be tied to one of the four Findings of Fact in order to legally deny it.

Bill Lester addressed the Planning Board and gave his opinion concerning the project. Chairman Ransdell asked when the current project is scheduled to be completed and Terri Gaar stated it should be completed by July of 2016.

Chairman Ransdell addressed Bill Prevatte's concerns and let him know that you get into a dangerous area here because if you do it once you have established precedent. Bill Prevatte stated that he lives in the area and has been looking at all projects; the project that is started now is not finished. He doesn't see why they should start another problem in the same area but not finish the one they have already started.

A motion was made by Bill Prevatte to table this for the time being until a later date until the project on Arnold Avenue is completed before we start another one in the same area. There was no second on the motion.

Mr. Lester stated one reason for coming to the Planning Board now is to move into the next stage of development plans with staff review, getting permits, and getting setup and ready. Chairman Ransdell asked when this will go before the Town Board and Planning Director Graham stated it would go before the Town Board in April.

Ms. Gaar stated within a year they will begin the grading process and developing the land and infrastructure; they go by fiscal year and not calendar year. They have a lot of preparation to do before they get to the first house.

Planning Director Graham stated in the UDO it says in the absence of a recommendation from the Planning Board, after the expiration of 30 days from the date on which the question has been submitted in writing to the Board, the Board of Commissioners may if it deems wise take final action.

Motion 1 made by Bryan Bowles, seconded by Richard Gergle, CU #16-03 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 Janet Peele, CU #16-03 is complete as submitted. Motion unanimously carried.

Motion 3 made by Richard Gergle, seconded by Bryan Bowles, CU #16-03 if completed as proposed, will comply with all requirements of the UDO. Motion unanimously carried.

Motion 4 made by Richard Gergle, seconded by Raymond Lee, CU #16-03 satisfies Finding #1: will not endanger public health or safety. Motion unanimously carried.

Motion 5 made by Raymond Lee, seconded by Bryan Bowles, CU #16-03 satisfies Finding #2: will not substantially injure the value of adjoining or abutting property. Motion unanimously carried.

Motion 6 made by Janet Peele, seconded by Bryan Bowles, CU #16-03 does not satisfy Finding #3: will be in harmony with the area in which it is located; it is not consistent with the zoning to the North.

Motion 6 withdrawn by Janet Peele.

Motion 6 made by Raymond Lee, seconded Richard Gergle, CU #16-03 satisfies Finding #3: will be in harmony with the area in which it is located. Motion unanimously carried.

Motion 7 made by Raymond Lee, seconded by Tim Marcham, CU #16-03 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 Raymond Lee, seconded by Richard Gergle, based on the Findings of Fact and the evidence presented, the Planning Board:

- Recommends approval with conditions of CU #16-03 as follows:

1. Conditional Use Permits (CUPS) run with the land and as such CU #16-03 applies to the entirety of the property reflected in Parcel ID #00992190 and 00053276, and portions of 00055564 and 20060493 as reflected on the preliminary plat. 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 #16-03 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, tree survey indicated all trees with a dbh of 12" or greater, 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 nine (9) single family lots and construction documents generally based on the Conceptual Site Plan dated 2/23/16.
5. Open Space shall generally comply with the 2/23/16 Overall Site Plan, including proposed improvements, 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 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. 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.
9. The Fire Department must sign off on the drawings during the Site Plan Review process as well as available capacity for treating fires. Hydrants are required consistent with Fire Department spacing requirements. Adequate turning radius must be provided for the fire trucks currently in use.
10. Prior to approval of final plats(s), all infrastructure must be complete or guaranteed per UDO requirements.
11. 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 for each lot.
12. 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.

13. All additional conditions or requirements as provided by the Town of Aberdeen Unified Development Ordinance are enforceable with regards to proposal CU #16-03.

Motion carried by a vote of 5 to 1, Bill Prevatte voted against.

- c. Conditional Use Permit CU #16-01 for a Major Subdivision on Pee Dee Road.

Planning Director Graham gave a presentation on Conditional Use Permit CU #16-01 for a Major Subdivision on Pee Dee Road.

Bob Koontz addressed the Planning Board and discussed the wetland area of the subdivision. He also went over setbacks, tree preservation, and the fact they tried to eliminate cul-de-sacs.

Planning Director Graham went over the recommended conditions.

Motion 1 made by Janet Peele, seconded by Bryan Bowles, CU #16-01 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, CU #16-01 is complete as submitted. Motion unanimously carried.

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

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

Motion 5 made by Tim Marcham, seconded by Richard Gergle, CU #16-01 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 Bryan Bowles, CU #16-01 satisfies Finding #3: will be in harmony with the area in which it is located. Motion unanimously carried.

Motion 7 made by Raymond Lee, seconded by Janet Peele, CU #16-01 does satisfy 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 Raymond Lee, seconded by Richard Gergle, based on the Findings of Fact and the evidence presented, the Planning Board:

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

1. Conditional Use Permits (CUPS) run with the land and as such CU #16-01 applies to the entirety of the property reflected in Parcel ID #00052356, 00049842, 0046345. 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 #16-01 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, tree survey indicated all trees with a dbh of 12" or greater, 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 forty (40) single family lots and construction documents generally based on the Overall Site Plan dated March 11, 2016.
5. Open Space shall generally comply with the 3/11/2016 Overall Site Plan, including proposed improvements, 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 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 Fire Department 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 for 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. All additional conditions or requirements as provided by the Town of Aberdeen Unified Development Ordinance are enforceable with regards to proposal CU #16-01.

Motion unanimously carried.

- d. Text Amendment UDO #16-02 Regarding Outside Display of Goods in the C-I District.

Planning Director Graham gave a presentation on Text Amendment UDO #16-02 regarding outside display of goods in the C-I District.

Janet Peele asked how this would apply to existing businesses. Planning Director Graham went over some to the aspects of how it would affect existing businesses; how existing businesses could be grandfathered in.

Motion 1 made by Raymond Lee, seconded by Richard Gergle, UDO #16-02 is consistent with comprehensive plans that have been adopted by the Town of Aberdeen. Motion unanimously carried.

Motion 2 made by Tim Marcham, seconded by Bryan Bowles, UDO #16-02 is reasonable and in the public interest. 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 sections 152-15 "Definitions" and 152-146 "Table of Permissible Uses" as indicated in the attached draft text amendment and attachment

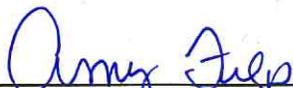
Motion unanimously carried.

6. Progress Report

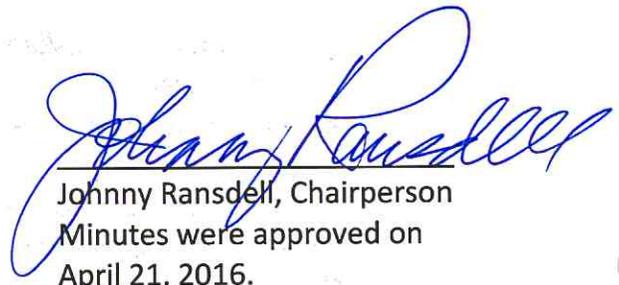
Planning Director Graham gave updates on the Shepherd's Ridge Subdivision and Downtown Overlay District Draft Text Amendments.

7. Adjourn

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



Amy Fulp, Permit Technician
Minutes were completed in
Draft form on April 18, 2016.



Johnny Ransdell, Chairperson
Minutes were approved on
April 21, 2016.