

MINUTES
Regular Meeting of the
Aberdeen Planning Board

November 17, 2016
Thursday, 6:00 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

The Aberdeen Planning Board met Thursday, November 17, 2016 at 6:00 p.m. for the Regular Board Meeting. Members present were Chairman Raymond Lee, Janet Peele, Heidi Whitescarver, Bryan Bowles, and Tim Marcham. Members not present were Richard Gergle, Bill Prevatte, and Alternate Ron Utley. Others in attendance were Planning Director Pam Graham, Permit Technician Amy Fulp, Planner Kathy Blake, William Savoie, Scott Matthews, Charles McClure, Harrison Cole, Brett Hanna, and Tommy Cleveland.

1. Call to Order

Chairman Lee called the meeting to order at 6:00 p.m.

2. Informational Moment

Chairman Lee informed everyone of upcoming events for the holidays.

3. Approval of Agenda

A motion was made by Janet Peele, seconded by Tim Marcham, to approve the agenda of the Regular Meeting for November 17, 2016. Motion unanimously carried.

5. Approval of Minutes

A motion was made by Bryan Bowles, seconded by Heidi Whitescarver, to approve the minutes of the Regular Meeting of October 20, 2016. Motion unanimously carried.

6. New Business

a. Conditional Use Permit CU #16-09 for Assembling of Goods at 354 Parkway Drive.

Planning Director Graham gave a presentation on Conditional Use Permit CU #16-09 for assembling of goods at 354 Parkway Drive.

William Savoie addressed the Planning Board and went over what his plans are and what type of business he has.

Motion 1 made by Janet Peele, seconded by Bryan Bowles, CU #16-09 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 Heidi Whitescarver, CU #16-09 is complete as submitted. Motion unanimously carried.

Motion 3 made by Tim Marcham, seconded by Janet Peele, CU #16-09 if completed as proposed will comply will all requirements of the UDO. Motion unanimously carried.

Motion 4 made by Heidi Whitescarver, seconded by Bryan Bowles, CU #16-09 satisfies Finding #1: will not endanger public health or safety. Motion unanimously carried.

Motion 5 made by Bryan Bowles, seconded by Janet Peele, CU #16-09 satisfies Finding #2: will not substantially injure the value of adjoining or abutting property. Motion unanimously carried.

Motion 6 made by Heidi Whitescarver, seconded by Tim Marcham, CU #16-09 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 Bryan Bowles, CU #16-09 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 Bryan Bowles, seconded by Tim Marcham, based on the Findings of Fact and the evidence presented, the Planning Board:

- Recommends approval with conditions of CU #16-09 as follows:

1. Conditional Use Permits (CUPS) run with the land and as such CU #16-09 applies to the entirety of property reflected in Parcel IDs #20040417. 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. Building and Fire Inspections are to be required prior to beginning operation, all to be coordinated through Planning and Inspections Departments.

3. Any proposed building renovations are to be approved by Town of Aberdeen Building Inspectors and shall meet all applicable codes.
4. Approval of the CUP shall not imply approval of signage or significant changes to the site. Sign permit applications consistent with the requirements of the UDO shall be reviewed and approved by the department prior to performance of work.
5. The operation will be required to comply with Town of Aberdeen noise regulations.
6. As required by §152-308 of the UDO, shrubbery with a minimum height of eighteen (18) inches at planting and of a variety that can be expected to reach a minimum height of thirty-six (36) inches within five (5) years of planting shall be required along with the south-facing façade of the principle building. A sketch of the proposed plantings, with spacing and species indicated shall be submitted for staff review and approval prior to installation.
7. The Aberdeen Planning Department shall be notified of any new uses, activities, significant site changes, or construction on the property subject to CU #16-09 and all applicable reviews and/or permits shall be obtained in accordance with the UDO.
8. 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 #16-09.

Motion unanimously carried.

- b. Conditional Use Permit CU #16-08 to Allow Multi-Family Development on Property Located on Old Course Road (Villas at The Pit).

Planning Director Graham gave a presentation on Conditional Use Permit CU #16-08 to allow multi-family development on property located on Old Course Road.

Chairman Lee asked about recommended condition #4 authorizing 24 units but the applicant is asking for 30 units. Planning Director Graham replied that the applicant is asking for 30 units but the density requirements would limit them to 24 units and 24 units is all that is being recommended for approval at this time.

Janet Peele asked if the developer has to pave or further develop the streets and Planning Director Graham replied that they don't as long as our Fire Inspector approves the final plans. Janet Peele also asked if there is a Road Maintenance Agreement in place for the Homeowner's Association and Planning Director Graham replied that she doesn't know if the current Homeowner's Association has that but it can be added to the requirements.

Janet Peele asked if this project goes through all the steps with the Boards and is approved does it expire at a certain time if it is not built out again. Planning Director Graham stated they have a year to start construction before it expires and then if construction ceases at any point along the way for a year then they would have to come back; it would be an expired permit at that time. But the applicant can also ask for an extension for up to one year from the date whether it is related to not commencing the project within a year or that year of lapse where there is no work.

Scott Matthews addressed the Planning Board and went over their plans for development. He also stated they are planning on paving and do wish to have the 30 units instead of the 24.

Janet Peele asked if they have talked to the Homeowner's Association about a Road Maintenance Agreement and Mr. Matthews said yes. Planning Director Graham stated that they can add an additional condition for the open space to say "the Homeowner's Association covenants shall also contain a provision for the maintenance of roadways"; Janet Peele and Bryan Bowles were in agreement of adding this.

Chairman Lee stated they should leave recommended condition #4 as is with 24 units and not 30 units.

Motion 1 made by Janet Peele, seconded by Bryan Bowles, CU #16-08 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 Heidi Whitescarver, CU #16-08 is complete as submitted. Motion unanimously carried.

Motion 3 made by Heidi Whitescarver, seconded by Janet Peele, CU #16-08 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 #16-08 satisfies Finding #1: will not endanger public health or safety. Motion unanimously carried.

Motion 5 made by Bryan Bowles, seconded by Janet Peele, CU #16-08 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 Tim Marcham, CU #16-08 satisfies Finding #3: will be in harmony with the area in which it is located. Motion unanimously carried.

Motion 7 made by Heidi Whitescarver, seconded by Bryan Bowles, CU #16-08 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 Janet Peele, seconded by Tim Marcham, based on the Findings of Fact and the evidence presented, the Planning Board:

- Recommends approval with recommended conditions as modified of CU #16-08 as follows:
 1. Conditional Use Permits (CUPS) run with the land and as such CU #16-08 applies to the entirety of property reflected in Parcel IDs #20060539, 20060540, 20060541, 20060542, and 20060543. 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 #16-08 is contingent on a successful inter-departmental review to insure that the development has met all current Federal, State, and local regulations and permitting requirements, as well as any conditions attached to the CUP and CZ approvals. Plans submitted for this review shall include but not limited to:
 - a. Landscaping and open space calculations showing compliance with requirements for multi-family developments,
 - b. Building plans and elevations showing compliance with requirements for multi-family developments,
 - c. Evidence that proposed stormwater measures meet or exceed the requirements. Article XVI, Part 2, Drainage, Erosion Control and Stormwater Management of the UDO,
 - d. Compliance with all applicable Fire Code requirements including road access and capacity for treating fires.
 3. 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.
 4. The development is authorized to create a maximum of twenty-four (24) multi-family units with construction documents generally based on the Preliminary Plat dated June 2006 and the front elevation drawing submitted with the conditional use permit application.
 5. Open space shall comply with §152-163.14 (G). Prior to issuance of a

- Notice to Proceed for the development, the applicant shall establish a new or amend an existing Homeowner's Association with covenants to include a policy for maintenance for the open space. 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. Multi-family standards requiring the construction of a school bus shelter are waived.
 8. A sidewalk shall be required along the lot-facing side of the street for all new construction.
 9. 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 #16-08.
 10. Homeowners Association Covenants shall contain a provision for maintenance of roads.

Motion unanimously carried.

- c. Conditional Zoning CZ #16-06 – Changing from R20-16 to R20-16-CD to allow a Regional Utility Facility (Solar Collector Facility) at 305 Fayetteville Street.

Planning Director Graham gave a presentation on Conditional Zoning CZ #16-06 – changing from R20-16 to R20-16-CD to allow a regional utility facility at 305 Fayetteville Street.

Tim Marcham asked how does this tie into the power grid, where is the nearest substation. Harrison Cole answered it will require one additional pole to be built so they can connect from the transformers that are on the property to the existing power poles that are already there.

Janet Peele asked what type of chemicals are used to maintain the area and Harrison Cole answered they hire a local farmer that brings his sheep and donkeys and they keep the grass clean; the surfaces do not have to be cleaned.

Janet Peele asked does this project have a life end and Mr. Hanna stated it does approximately 25 to 30 years; it also depends on the land lease terms.

Motion 1 made by Janet Peele, seconded by Bryan Bowles, the Aberdeen Planning Board recommends approval with conditions as indicated below of Conditional Zoning CZ #16-06.

1. The applicant shall 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, the applicant shall supply Planning Department Staff with a written report of the meeting that includes a listing of those persons and organizations contacted about the meeting, a roster of the persons in attendance at the meeting, a summary of issues discussed at the meeting, and a description of any changes to the rezoning petition made as a result of the meeting.
2. A Conditional Use Permit for a Community or Regional Utility Facility on the property shall be required for the uses specified by Conditional Zoning #16-06, at which time additional conditions may be attached at the discretion of the Town Board.
3. Following any subsequent conditional use permit approval by the Board of Commissioners, the applicant shall submit plans for an interdepartmental review to ensure compliance with UDO requirements, as well as any additional conditions attached to the conditional zoning and conditional use permit approvals.
4. Staff is directed to enter Conditional Zoning District R20-16-CD for property identified by PID#00046000 on the official zoning map and add a label for CZ #16-06 upon final approval.

Motion unanimously carried.

Motion 2 made by Tim Marcham that Conditional Zoning CZ #16-06 is consistent with applicable plans of the Town of Aberdeen; this motion failed due to not being seconded.

Motion 2 made by Janet Peele, seconded by Bryan Bowles, that CZ #16-06 is not consistent with current applicable plans of the Town of Aberdeen; the proposal is not consistent with the Future Land Use Map and only partially consistent with citizen survey responses. Motion unanimously carried.

Motion 3 made by Heidi Whitescarver, seconded by Janet Peele, CZ #16-06 is reasonable and in the public interest; based on statements made tonight regarding the proposed rezoning the application is reasonable and in the public interest. Motion unanimously carried.

- d. Rezoning Request RZ #16-01 for Property Located at 504 Johnson Street.

Planning Director Graham gave a presentation on Rezoning Request RZ #16-01 for property located at 504 Johnson Street.

Bryan Bowles asked if someone could have a convenience store but no gas pumps and Planning Director Graham said yes.

Planning Director Graham clarified the amount of the lots to be a total of .493 acres.

Motion 1 made by Janet Peele, seconded by Tim Marcham, rezoning request RZ #16-01 is consistent with adopted plans of the Town of Aberdeen. Motion unanimously carried.

Motion 2 made by Tim Marcham, seconded by Janet Peele, based on the information presented by the applicant, staff, and other interested parties, Rezoning Request RZ #16-01 does have an acceptable level of impact on both the immediate area and the community as a whole. Motion unanimously carried.

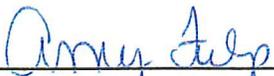
Motion 3 made by Bryan Bowles, seconded by Heidi Whitescarver, the Planning Board recommends approval of Rezoning Request RZ #16-01 to the Town of Aberdeen Board of Commissioners. Motion unanimously carried.

8. Progress Report

There was no progress report at this meeting.

7. Adjourn

A motion was made by Bryan Bowles to adjourn the meeting. Motion unanimously carried.



Amy Fulp, Permit Technician
Minutes were completed in
Draft form on December 13, 2016.



Raymond Lee, Chairperson
Minutes were approved on
December 15, 2016.