

MINUTES
The Regular Meeting of the
Aberdeen Planning Board

January 20, 2011
Thursday, 5:00 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

The Aberdeen Planning Board met Thursday, January 20, 2010 at 6:00 p.m. for their regular Board Meeting. Members present were Chairman Bob Rigsby, Vice Chair Johnny Ransdell, Elease Goodwin, Sarah Ahmad, Bill Prevatte, Owen Gallagher. Joe Dannelley was unable to attend. Others in attendance were Planner Pamela Graham and Secretary Jenni Secrist.

1. Call to Order:

Chairman Rigsby called the meeting to order at 6:00pm.

2. Approval of Minutes from the Regular Meeting December 16, 2010.

Bill Prevatte made a motion to approve the minutes of December 16, 2010.
Elease Goodwin Seconded.

VOTE: Unanimous

3. New Business

a. Application for Zoning Code Amendment ZA#11-01 to Address the Downtown Overlay District (DROD).

Ms. Liles presented the staff report for the text amendment that was initiated by the Board of Commissioners. She stated there are three significant points that need to be discussed. First would be to address entertainment uses in the DROD. Second is how the town should define retail uses. The third point involves the status of case law regarding religious assembly use and other assembly uses allowed in a downtown district.

Key changes include the following:

- ⊙ Defines entertainment establishments, offices, retail sales, and retail services.
- ⊙ Reclassifies businesses in commercial districts within these classifications as appropriate.
- ⊙ Clarifies take-out versus drive through restaurants
- ⊙ Provides for entertainment establishments and entertainment restaurants as conditional use permits on the first floor

Ms. Liles discussed how recent case law appears to be distinguishing between religious uses subject to RLUIPA and other assembly uses such as entertainment. In the past, there was insufficient case law supporting treating these uses differently.

A map of the B-1 Business District was provided to give the Board a visual to determine impacts from allowing for entertainment. Ms. Goodwin asked what the parcels in aqua were considered. Ms. Liles stated they are the parcels that the

Moore County Tax Department labels as Single Family Residential uses or Multi-Family uses with less than 4 units. Ms. Ahmad pointed out the Bed and Breakfast was labeled in this use. Ms. Liles agreed that was labeled in the Single Family Residential use and was not sure if that's how the Tax Department labels Bed and Breakfast establishments.

Ms. Liles stated that the 2030 Land Development Plan provided the following support for the amendment.

- ⦿ Recapture Aberdeen's unique architectural, commercial and natural character through development of sensitive zoning...
- ⦿ Attract unique businesses to downtown.

Mr. Rigsby asked what would be considered a unique business.

Ms. Liles gave some examples to include a hat making shop, or 111 Main, a business already located in the DROD, also artist galleries and specialty studios.

Ms. Ahmad discussed that the 2030 Land Development Plan supports the addition of 150 acres of commercial property. She questioned if that included acreage in the DROD or if it would include other commercial areas. Ms. Liles responded that adding 150 acres of commercial over the next 20 years would be all types of commercial in all types of districts such as the B-1, B-3 and HC districts. The focus of this particular text amendment is how the commercial properties would be used within the DROD and not on creating new commercial properties.

Mr. Gallagher pointed out under Section 1, third section down, there is a misprint, and it states "an office shall serves".

- b. Owen Gallagher made a motion that the Zoning Code Amendment ZA#11-01 to address the Downtown Overlay District (DROD) is consistent with the Town of Aberdeen 2030 Land Development Plan.
Elease Goodwin Seconded.

VOTE: Unanimous

Owen Gallagher made a motion to recommend approval to the Board of Commissioners the Zoning Code Amendment ZA#11-01 to address the Downtown Overlay District (DROD) with the correction in Section 1 previously stated.

Elease Goodwin Seconded.

VOTE: Unanimous

4. Meeting Adjourned: 6:30 pm

Bob Rigsby, Chairman

Jenni Secrist, Secretary