

AGENDA
Regular Meeting of the
Planning Board

October 17th, 2019
Thursday, 6:00 pm

Robert N. Page Municipal Building
Aberdeen, North Carolina

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes
 - a. Regular Meeting of September 19th, 2019
4. Old Business
5. New Business
 - a. Rowena H. Galberth, Special Use Permit (SU-19-04).

A request by Rowena Galberth to establish a Home Occupation (1.7000) use for a Home Daycare in a Residential (R10-10) District. The property is located on 605 Sanborn Street and consists of a parcel (*PIDs: 00051195*) within the Town's corporate limits.
6. Other Business
 - a. UDO Rewrite – Stage 2. Subdivision Standards, Environmental Standards
 - b. UDO Rewrite – Stage 5. Zoning Districts
 - c. UDO Rewrite – Recommendation
7. Adjournment

MINUTES
Regular Meeting of the
Planning Board

September 19th, 2019
Thursday, 6:00 pm

Robert N. Page Municipal Building
Aberdeen, North Carolina

The Aberdeen Planning Board met Thursday, June 20, 2019 at 6:00 pm for a Regular Meeting. Members present were Chairman Bryan Bowles, Vice Chair Janet Peele, Tim Marcham, Bill Prevatte, Brooks Pomeranz, Roger Bone, Diane Innes, and Lakisha Womack. Staff in attendance were Planning Director Justin Westbrook, Planner Christian Haas, and Administrative Assistant Maria Carpenter. Also in attendance was Bob Koontz.

1. Call to Order

Chairman Bowles called the meeting to order at 6:05pm

2. Approval of Agenda

Chairman Bowles amended agenda to change items 5 a & b to 5 b & c, and add item 5a – Oath of Office for new board member, Lakisha Womack. Mr. Prevatte made a motion, seconded by Mr. Bone, to approve the setting of the agenda as amended. Motion carried unanimously 6-0.

3. Approval of Minutes

a. Regular Meeting of August 15, 2019

Mr. Marcham asked for correction to minutes on page 2, repeat of a motion. Mr. Prevatte made a motion, seconded by Mr. Marcham, to approve the minutes from the August 15, 2019 meeting as amended. Motion carried unanimously 6-0.

4. Old Business

No old business to be discussed. Chairman Bowles closed out item 4 - Old Business.

5. New Business

- a. Oath of Office for new alternate Planning Board member, Lakisha Womack.

Maria Carpenter administered the oath of office to new member, Lakisha Womack.

- b. D V M Properties, Conditional Zoning (CZ-19-03).

A request by Mid-State Development, LLC to rezone approximately 136.88 acres from Residential (R10-10) District and Residential (R18-14) to a Planned Unit Development – Residential (PUD-R). The site is located south of NC-5 Highway and north of Roseland Road, and consists of two (2) parcels (*PIDs: 00052290 & 20150441*) within the Town's corporate limits, and one (1) parcel (*PID: 00050140*) within the Town's extra-territorial jurisdiction.

Director Westbrook presented information on the 136.88 acre property that Mid-State Development has requested to be rezoned from R10-10 and R18-14 to PUD-R. Director Westbrook presented maps of the 4 parcels with the land use plan, existing conditions, Conceptual Master Plan, Transportation Plan, and roadway cross sections. Director Westbrook pointed out that there are wetlands and lakes on the property and where the location of the town sewer system would be.

Director Westbrook stated that the proposal has up to 515 dwelling units planned with up to 38,000 sf of retail space, with 3 points of egress/ingress. Director Westbrook stated that there will be approximately 25% open space, which will include playgrounds and walking trails.

Director Westbrook stated that water and sewer will be available from Aberdeen per Public Works. Director Westbrook stated that the Traffic Impact Analysis was done by Ramey Kemp, but did not take into account the widening of NC 5 Hwy. Director Westbrook stated that there is no evidence of Red-Cockaded Woodpecker activity in the area.

Director Westbrook stated that the proposal is considered by Staff to be generally consistent with the Comprehensive Land Development Plan's Future Land Use Map.

Director Westbrook introduced Bob Koontz, representative for the developer. Mr. Koontz gave an overview of where the property is located and the surrounding area, along with where power lines and sewer lines are currently, and where wetlands and existing ponds are located. Mr. Koontz stated that the developer is trying to use the ponds on property as part of the open space/activity areas. Mr. Koontz stated that the property is just outside the watershed area, so no watershed restrictions, and it is outside the floodplain.

Mr. Koontz stated that one area would be used for commercial development, another area near the school would be where the highest density of homes would be, allowing kids to be able to walk/bike to school, and it would be the only area where townhomes would be allowed. Mr. Koontz stated that the larger lots would be located closer to wetlands.

Mr. Koontz presented the conceptual plan map and stated that the developer is trying to create a long linear park, creating a multiuse area, with places for parks and walking trails. Mr. Koontz stated that they want to create a very pedestrian friendly neighborhood.

Mr. Koontz presented the transportation plan for the proposed PUD. Mr. Koontz stated that the developer will be doing curb and gutters throughout, and showed the street cross section. Mr. Marcham asked where the gutters would lead to. Mr. Koontz stated that there will be stormwater management ponds designed to state standards. Mr. Koontz stated that the developer is committed to building the road down to the roundabout and then down from there, with area C following quickly behind that.

Mr. Koontz presented the TIA and improvements that would be happening. Mr. Bowles asked if there would be a light by Roseland Rd and US 1. Mr. Koontz stated that it was something that could happen in the future. Ms. Peele asked if the amenities would be open to the public. Mr. Koontz stated no, those would be for the residents. Ms. Peele stated that she thought the main road through development would be heavily travelled by people going to school. Mr. Koontz stated that they anticipate that traffic and it is part of the reason there are no lots along that main section.

Discussion regarding roads and when they will be built as more sections of subdivision are built.

A motion was made by Ms. Peele, seconded by Mr. Prevatte, that Conditional Zoning CZ#19-03 is consistent with applicable plans of the Town of Aberdeen.

A motion was made by Mr. Prevatte, seconded by Mr. Bone, that CZ-19-03 is reasonable and in the public interest.

A motion was made by Mr. Pomeranz, seconded by Mr. Prevatte, that the Board recommends approval with conditions as indicated below of Conditional Zoning CZ-19-03.

Conditions:

1. Annexation is required for parcels not within the Town of Aberdeen's corporate limits, prior to any permit approval for the affected areas.
2. All proposed residential lots to be platted, will be entirely outside of delineated wetland areas.
3. An endangered species survey will be conducted by the applicant, submitted to the Technical Review Committee (TRC) as part of all Site Plan or Preliminary Subdivision reviews.
4. "Road B" will be improved to Rowe Avenue prior to any plat approval for "Area D".

5. "Road C" will be improved to Roseland Road prior to any plat approval for "Area G".
6. All required parking shall be on the same parcel for the use that requires it.
7. Shared Lane Markings shall be required along all proposed road cross sections, where the speed does not exceed 35 mph, or the cross section does not prescribe a "multi-use trail". These markings, or "Sharrows" shall follow all requirements of the 2009 Manual for Uniform Traffic Control (MUTCD) and the AASHTO Bike Guide.
8. "Road C" shall be extended to connect three phases of "area C" as platted, with phasing to be determined by the TRC. Phase 1 and Phase 2 shall be delineated generally along the adjacent sewer easement.

A motion was made by Ms. Peele, seconded by Mr. Bone, that the proposal is consistent, and is reasonable and in the public interest with the conditions staff recommends.

c. D V M Properties, LLC, Conditional Use Permit (CU-19-07).

A request by Mid-State Development, LLC for a Conditional Use Permit for a 'Major Subdivision'. The site is located south of NC-5 Highway and north of Roseland Road, and consists of two (2) parcels (*PIDs: 00052290 & 20150441*) within the Town's corporate limits, and one (1) parcel (*PID: 00050140*) within the Town's extra-territorial jurisdiction, totaling approximately 136.88 acres.

Director Westbrook presented the information for the request for a Conditional Use Permit (CU-19-07) by DVM Properties, LLC for a "Major Subdivision".

There was some discussion on when to annex the property and whether to do it all at once or in parts. Director Westbrook stated it would most likely be done in parts as they build.

A motion was made by Mr. Prevatte, seconded by Mr. Pomeranz, that CU-19-07 is within the jurisdiction of the Planning Board according to the Table of Permissible Uses.

A motion was made by Ms. Peele, seconded by Mr. Bone, that CU-19-07 is complete as submitted.

A motion was made by Ms. Peele, seconded by Mr. Pomeranz, that CU-19-07, if completed as proposed, will comply with all requirements of the UDO.

A motion was made by Mr. Pomeranz, seconded by Mr. Bone, that CU-19-07 satisfies Finding #1 (will not endanger public health or safety).

A motion was made by Mr. Marcham, seconded by Mr. Bone, that CU-19-07 satisfies Finding #2 (will not substantially injure the value of adjoining or abutting property).

A motion was made by Mr. Pomeranz, seconded by Mr. Marcham, that CU-19-07 satisfies Finding #3 (will be in harmony with the area in which it is located).

A motion was made by Mr. Prevatte, seconded by Mr. Pomeranz, that CU-19-07 satisfies Finding #4 (will be in general conformity with Land Use Plan or other plans specifically adopted by the Board).

A motion was made by Mr. Pomeranz, seconded by Mr. Prevatte, that based on the Findings of Fact and the evidence presented the Planning Board recommends approval with conditions of CU-19-07 as follows:

1. Conditional Use Permits (CUPs) run with the land and as such CU-19-07 applies to the entirety of the properties, reflected as PID 00052290 (PIN: 856000159803), PID 20150441 (PIN: 856000374245), PID 00050140 (PIN: 856000346163) and PID 20150440 (PIN: 856000360980). An amendment to the CUP is needed to remove property from the CUP or to make changes 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 structures and/or renovations are to be approved by Town of Aberdeen Building Inspector and Fire Marshal and shall meet all applicable codes.
4. The Aberdeen Planning & Inspections Department shall be notified of any new uses, activities, significant site changes, or construction on the property subject to CU-19-07 and all applicable reviews and/or permits and inspections shall be obtained in accordance with the UDO.
5. Annexation is required for parcels not within the Town of Aberdeen's corporate limits, prior to any permit approval for the affected areas.
6. All proposed residential lots to be platted, will be entirely outside of delineated wetland areas.
7. An endangered species survey will be conducted by the applicant, submitted to the Technical Review Committee (TRC) as part of all Site Plan or Preliminary Subdivision reviews.
8. "Road B" will be improved to Rowe Avenue prior to any plat approval for "Area D".
9. "Road C" will be improved to Roseland Road prior to any plat approval for "Area G".
10. All required parking shall be on the same parcel for the use that requires it.
11. Shared Lane Markings shall be required along all proposed road cross sections, where the speed does not exceed 35 mph, or the cross section does not prescribe a "multi-use trail". These markings, or "Sharrows" shall follow all requirements of the 2009 Manual for Uniform Traffic Control (MUTCD) and the AASHTO Bike Guide.

6. Other Business

a. UDO Rewrite – Stage 4.

i. Chapter 5 – Development Standards

Director Westbrook presented the updated version of Chapter 5 of the UDO rewrite that deals with development standards.

Discussion over having some kind of standards in the UDO for large parking lots to have electric car charging stations, and whether that is necessary or not.

Discussion on canopy trees, perimeter trees, and landscaping. Ms. Peele stated that canopy trees won't be supported for long in the smaller medians. Ms. Peele also stated that there should be wording to say that light poles need to be installed before trees are planted.

7. Adjournment

A motion was made by Ms. Peele, seconded by Mr. Bone to adjourn the meeting.

Meeting adjourned at 9:57 pm.

Maria Carpenter, Admin. Assistant
Minutes were completed in draft
form on September 19, 2019

Bryan Bowles, Chair
Minutes were approved
on October 17, 2019



Town of Aberdeen
Planning & Inspections Department
115 North Poplar Street
Aberdeen, NC 28315
910-944-7024

STAFF REPORT

TO: Board of Commissioners

FROM: Planning & Inspections Director

SUBJECT: Special Use Permit: Galbreath – Home Day Care

DATE: 10-11-2019

<u>Applicant:</u> Rowena H. Galbreath	<u>Location:</u> 605 Sanborn Street
<u>Parcel ID:</u> 00051195	<u>PIN:</u> 856000829051
<u>Current Zoning:</u> Single-family (R10-10)	<u>Proposed Zoning:</u> Single-family (R10-10)
<u>Current Land Use:</u> Residential Single-family	<u>Proposed Land Use:</u> Residential Single-family, Home Occupation

Background: Rowena Galbreath has applied for a Special Use Permit (SUP) for a property zoned Residential (R-10-10), as identified above. In accordance with UDO Section 152-146, ‘Permissible Uses’ a “Home Occupation” requires a SUP. A “Home Occupation” is defined as:

A commercial activity that: (i) is conducted by a person on the same lot (in a residential district) where such person resides and (ii) is not so insubstantial or incidental or is not so commonly associated with the residential use as to be regarded as an accessory use (see section 152-150, “Accessory Uses”), but that can be conducted without any significantly adverse impact on the surrounding neighborhood.

The proposed request can be classified as a “Home Occupation” as it is proposing the creation of a home daycare business within an existing single-family dwelling. Additionally, a “Home Daycare” has other requirements for establishment, as referenced in § 152-163.9.1.

Zoning: The parcel is currently zoned Single-family (R10-10), and is approximately 25,700 square feet, or 0.59 of an acre. The current zoning district requires new lots to meet a minimum of 10,000 SF lot area per parcel, and a minimum 75’ lot width.

Properties immediately adjacent to the subject parcels are zoned as follows (also see enclosed Vicinity Zoning Map):

	<u>Adjacent Zoning:</u>	<u>Adjacent Land Use:</u>
<u>North:</u>	Single-family (R10-10)	Single-family
<u>East:</u>	Single-family (R10-10)	Single-family
<u>South:</u>	Single-family (R10-10)	Multi-family
<u>West:</u>	Single-family (R10-10)	Single-family
<u>Watershed:</u> No		
<u>Floodplain:</u> No		

The R-10-10 Zoning District is described in the UDO as “...a district in which the principal use of land is for single-family residences. The regulations of this district are intended to provide areas of the community for those persons wishing to live in medium-density neighborhoods. The regulations are intended to discourage any use that would interfere with the residential nature of the district.”

Procedural Issues: UDO §152-146, “Table of Permissible Uses” requires that uses in the 1.700 category, “Home Occupation”, receive a determination regarding issuing a Special Use Permit by the Planning Board.

The UDO directs in §152-54 that the Planning Board shall issue the requested permit unless it concludes, based upon the information submitted, that:

1. The requested permit is not within its jurisdiction according to the Table of Permissible Uses, or
2. The application is incomplete, or
3. If completed as proposed in the application, the development will not comply with one or more requirements of this chapter. (The “chapter” in this context is the UDO).

Furthermore, as directed by §152-54(D), even if the Planning Board finds that the application complies with all other provisions of this chapter, it may still recommend denial of the permit if it concludes, based upon the information submitted, that if completed as proposed, the development, more probably than not:

1. Will materially endanger the public health or safety, or
2. Will substantially injure the value of adjoining or abutting property, or
3. Will not be in harmony with the area in which it is to be located, or
4. Will not be in general conformity with the land-use plan, thoroughfare plan, or other plan specifically adopted by the Board of Commissioners (BOC).

When presented to the Planning Board at the hearing, the application for a special use permit shall be accompanied by a report setting forth the planning staff's proposed findings concerning the application's compliance with the requirements of the UDO, as well as any staff recommendations for additional requirements to be imposed by the Planning Board.

If the staff report proposes a finding or conclusion that the applicant fails to comply with any UDO requirements, it shall identify the requirement in question and specifically state supporting reasons for the proposed findings or conclusions.

If the Planning Board finds that all such requirements are met, it shall issue the permit unless it adopts a motion to deny the application for one or more of the reasons set forth in subsection 152-54(D). Such a motion shall propose specific findings, based upon the evidence submitted, justifying such a conclusion. Subsection 152-54(D) begins at the bottom of page 1 of this report.

The permit-issuing board may not attach additional conditions that modify or alter the specific requirements of the UDO, unless the proposal presents extraordinary circumstances that justify the variation.

Landform and General Site Layout: The subject parcel is approximately 0.59 acres with a single-family residential dwelling. Per the application, the property is already fenced in. The applicant is proposing to care for five (5) to eight (8) children. No exterior changes to the home are proposed.

Per the UDO, the project shall be developed in compliance with the standards for noted zoning districts, unless otherwise defined in the attached conditions.

Consistency with Plans: The Comprehensive Land Development Plan's Future Land Use Map adopted in 2019 identifies the subject properties as "low density residential" which corresponds with the existing zoning of the parcel. The proposal is considered by staff to be generally consistent with the Land Development Plan's Future Land Use Map.

The proposal is considered by staff to be consistent with goals of the Comprehensive Land Development Plan.

Goal 1: In all decisions/actions, Aberdeen will consider the impact on Aberdeen's future as a progressive, welcoming, and stable community.

Goal 5: Aberdeen will, through its land development ordinance, provide an inventory of options for industrial/business development.

The proposal also is considered by staff to be consistent with strategies, as laid out in the Comprehensive Land Development Plan.

Findings of Fact: The Planning Board must consider the following findings of fact in rendering a decision on the application.

1. Will the activity materially endanger public health or safety?
2. Will it substantially injure the value of adjoining or abutting property?
3. Will it not be in harmony in the area in which it is to be located?
4. Will it not be in general conformity with the Land Use Plan or other plans specifically adopted by the Board?

Recommendations and Suggested Motions: Staff recommends that the Planning Board consider this application, the attached proposed conditions, the Staff's recommended conditions and make a determination using the following motion format:

The motions should proceed as follows:

Motion 1: SU-19-04 (IS) (IS NOT) within the jurisdiction of the Planning Board according to the Table of Permissible Uses.

Motion 2: SU-19-04 (IS) (IS NOT) complete as submitted.

Motion 3: SU-19-04, if completed as proposed, (WILL COMPLY WITH ALL) (WILL NOT WITH ONE OR MORE) requirements of the UDO. If not, specify the requirement(s).

Motion 4: SU-19-04 (SATISFIES) (DOES NOT SATISFY) Finding #1 (*will not endanger public health or safety. If not, list why*).

Motion 5: SU-19-04 (SATISFIES) (DOES NOT SATISFY) Finding #2 (*will not substantially injure*

the value of adjoining or abutting property). If not, list why.

Motion 6: SU-19-04 (SATISFIES) (DOES NOT SATISFY) Finding #3 (*will be in harmony with the area in which it is located*). If not, list why.

Motion 7: SU-19-04 (SATISFIES) (DOES NOT SATISFY) Finding #4 (*will be in general conformity with Land Use Plan or other plans specifically adopted by the Board*). If not, list why.

Motion 8: Based on the Findings of Fact and the evidence presented the Planning Board:

- Recommends **DENIAL** of SU-19-04 based on the following: _____
- Recommends **APPROVAL** of SU-19-04.
- Issues **APPROVAL WITH CONDITIONS** of SU-19-04 as follows:

Staff Recommended Conditions:

1. Special Use Permits (SUPs) run with the land and as such SU-19-04 applies to the entirety of the property, reflected as PID 00051195 (PIN: 856000829051). An amendment to the SUP is needed to remove any property from the SUP or to make changes to the SUP.
2. The home occupation for a daycare business for the property identified by the Moore County Registry number listed in item #1 above. There are no other employees.
3. A home daycare may have no more than nine (9) children. Of the children present at any one time, no more five (5) shall be preschool-aged, including the operator's own preschool-age children.
4. The maximum hours of operation are 7:00 am to 6:00 pm, Monday through Friday.
5. The daycare shall include a fenced-in outdoor play area that complies with State regulations.
6. No signage advertising the home daycare is allowed.
7. The building in which the home daycare is located may not be located closer than 500 feet to any other building housing another home daycare.
8. The home daycare must be licensed through the NC Department of Health and Human Services, or appropriate state agency.
9. Building and Fire Inspections are to be required prior to beginning operation, all to be coordinated through Planning and Inspections Departments.
10. Any proposed building structures and/or renovations are to be approved by Town of Aberdeen Building Inspector and Fire Marshal and shall meet all applicable codes.

11. The Aberdeen Planning & Inspections Department shall be notified of any new uses, activities, significant site changes, or construction on the property subject to SU-19-04 and all applicable reviews and/or permits and inspections shall be obtained in accordance with the UDO.
12. Annexation is required for parcels not within the Town of Aberdeen's corporate limits, prior to any permit approval for the affected areas.

Proposed Conditions: *NONE*