

MINUTES
The Regular Meeting of the
Aberdeen Planning Board

July 19, 2012
Thursday, 6:00 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

The Aberdeen Planning Board met Thursday, July 19, 2012 at 6:00 p.m. for their Regular Board Meeting. Members present were Chairman Johnny Ransdell, Vice Chair Sarah Ahmad, Owen Gallagher, Joe Dannelley, Janet Peele, Raymond Lee and Graylin King. Others in attendance were Senior Planner Pam Graham and Permit Technician Jenni Secrist. Members of the public present were Jim McSwain and Shane Sanders.

1. Call to Order

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

2. Approval of the Agenda

Sarah Ahmad made a motion, seconded by Owen Gallagher, to approve the agenda of the Regular Meeting of July 21, 2012

3. Approval of Minutes

a. Approval of Minutes for the Regular Meeting of June 21, 2012.

Sarah Ahmad made a motion, seconded by Janet Peele, to approve the minutes of the Regular meeting of June 21, 2012.

4. Old Business

a. UDO Text Amendment UDO #12-08 New Definition and Requirements for Indoor Kennels.

Ms. Graham presented the staff report. Ms. Graham stated the applicant has agreed to withdraw his original request and has submitted a new set of language to include a Conditional Use requirement. Ms. Graham stated there is similar background information in the staff report and the changes were made to include the new request. She stated Mr. McSwain has decided to acquire lot 12 as shown in the Map provided. The Training facility will be for a future project; this Conditional Use will be focusing on the boarding facility.

Mr. Gallagher pointed out a change needed in the staff report. The numbering reads 12-07 on one motion but needs to read 12-08.

Mr. Ransdell suggested discussing the Text Amendment first and discussing the Conditional Use next.

Ms. Ahmad stated requirement number 13 states in part animal waste shall not be stored on the property but shall be removed daily and placed in the sewer/septic system. She asked if this could imply that someone could place the

waste straight into a toilet. Mrs. Graham stated the kennels are cleaned daily and the solid waste will go in a dumpster and the liquid waste and residue will go into the septic/sewer system through a drainage system. Shane Sanders from SNS Engineering explained the State requires that the kennels have a septic system which is required to have a septic permit and will be regulated through the County environmental health. Ms. Graham stated she talked to a woman with the State who has had a meeting with the applicant and stated there is an extensive inspection done and stated she has a copy of the inspection form. Mrs. Ahmad would like to see the language saying a State regulated septic system is required.

Ms. Peele stated she sees there will be different septic tanks for the kennel and human waste and is this because there are different requirements? Mr. Sanders stated there is no difference in requirements but it is done as a preference for Mr. McSwain.

Mr. Gallagher asked if the dumpster will be dumped or taken away daily. Mr. Sanders stated he did not think so but he imagines the setbacks and double bagging system should help with any odor issues. Ms. Graham stated the intent of this language is for the waste to be removed from the facility daily to the dumpster and the increased setback recommendation is made because it will be hard to control how often the dumpster will be emptied. Mr. Sanders stated the State requires the Kennel be cleaned daily.

Mr. Lee stated he would like to suggest after the word remove add "from the facility and placed in the state approved". Mr. King asked what is a state approved dumpster and will the smell be pushed to the neighbors. Ms. Graham stated she does not believe the state regulates the actual dumpster but more regulates the removal and process of removal of the waste. Mr. King asked if the animal waste could be disposed of through the septic system. Mr. McSwain stated the State requires the solid waste be picked up and double bagged daily but any liquid waste can be drained into the septic system. Mr. Lee stated the language needs to be stated that the solid must be bagged and the liquid must be removed through the septic system. Mr. McSwain stated this is all required by the State, he does not think it would be a good idea to restrict your language when it is already policed by the State. Mr. McSwain stated the State that will override the Town. He suggested the language say "must follow all State regulations". Ms. Graham stated she believes you do have an option to be State regulated or to be more specific. Ms. Ahmad stated she was concerned about that because at any point the State regulations could change. She stated if we can word it like we do for Home Daycares she feels the Town would be covered. Ms. Graham said she agrees and the language could be worded to work with any possible changes in the State regulations. Ms. Ahmad stated we would be adding a 50 foot setback for any animal waste or is that also a State regulation. Ms. Graham stated it was not and that is why she added that as well as screening language for the dumpsters.

Chairman Ransdell suggested adding another item to state that the Kennel must be consistent with all State and County regulations and asked how the Board felt about that. Ms. Graham clarified this will be added as a separate item. Ms. Ahmad was for this addition but was still concerned about item thirteen. Mr. Ransdell stated there will still be the change in the language for item thirteen that

Mr. King suggested. There was some discussion on the exact language that will be used in the suggested modification of item thirteen. Mr. Ransdell stated how the language should be worded for item number 13, "animal waste shall be removed from the facility daily and placed in the sewer septic system or bagged and placed in an approved dumpster and shall not be placed within 50 feet of the property line or surface waters. Ms. Graham clarified that the language "shall not be stored on the property" should be removed. Mr. Lee confirmed. Mr. Ransdell stated item number 17 shall be worded as follows: "The facility shall conform to all State and County regulations". Ms. Graham stated the State regulates the removal of animal waste from the facility twice a day but does not regulate the type of septic or dumpster used.

Mr. King suggested changing the 100 foot limit from item number three and expanding to a 1000 foot radius. There was some discussion concerning other uses within the CI district with a less restrictive set back. There were no changes made to item number three.

Owen Gallagher made a motion, seconded by Raymond Lee, UDO# 12-08 is not inconsistent with all adopted plans of the Town of Aberdeen including the 2030 Land Development Plan, the Hazard Mitigation Plan, the Pedestrian Plan and the Bicycle Plan and the Green Growth Tool Box. Vote Unanimous.

Owen Gallagher made a motion, seconded by Raymond Lee, which the Planning Board does recommend the following amendments with suggested changes to the Town of Aberdeen Board of Commissioners to:

- Correct line 12.300 in the Table of Uses to remove uses from that generic heading.
- Provide a definition of "**Kennel, Indoor.**"
- Provide for "**Indoor Kennels,**" permissible with a Conditional Use Permit in the C-I Commercial/Light Industry Zoning District.

Vote with 6 yes and one no with Sarah Ahmad.

b. Conditional Use Permit CU # 12-05 Indoor Animal Kennel.

Ms. Graham presented the staff report.

Mr. McSwain and Mr. Sanders described the type of material being used during the construction process to help reduce noise. They stated the material used will greatly reduce the decibel level heard outside of the facility. There was some discussion on the decibel levels of the Kennel. All members felt the material used will help to reduce and maintain an appropriate decibel level.

Mr. Lee asked if they would have a Town issued dumpster or some kind of special approved dumpster. Mr. Sanders stated the dumpster will be commercial grade dumpster like you would see at a restaurant or something similar. Mr. Ransdell asked how veterinary offices handled waste. Mr. McSwain stated he believes they use a commercial dumpster.

Mr. Lee pointed out a typo; he suggested changing the language to read "septic systems".

Motion 1:

Owen Gallagher made a motion, seconded by Janet Peele, that CU #12-05 is complete as submitted. Vote unanimous.

Motion 2:

Owen Gallagher made a motion, seconded by Raymond Lee, that CU #12-05 satisfies Finding #1: will not endanger public health or safety. Vote unanimous.

Motion 3:

Janet Peele made a motion, seconded by Sarah Ahmad, that CU #12-05 satisfies Finding #2: will not injure the value of adjoining or abutting property. Vote unanimous.

Motion 4:

Raymond Lee made a motion, seconded by Owen Gallagher, that CU #12-05 satisfies Finding #3: will be in harmony with the area in which it is located. Vote unanimous.

Motion 5:

Janet Peele made a motion, seconded by Owen Gallagher, that CU #12-05 satisfies Finding #4: will be in conformity with the land-use plan, thoroughfare plan, or other plan (Hazard Mitigation, Pedestrian and Bicycle Plans) officially adopted by the Town Board. Vote unanimous.

Motion 6:

Owen Gallagher made a motion, seconded by Raymond Lee, based on the findings of fact and the evidence presented, the Planning Board recommends approval with conditions of CU #12-05. Vote unanimous.

Mr. Ransdell read the conditions as followed:

1. Conditional Use Permits run with the land and as such this conditional use permit applies to the entirety of the property reflected in LRK# 20000407. 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 through this permit, subject to approval of text amendment UDO #12-08, but all construction detail must be approved by Planning, Public Works and Fire Departments before a Zoning Compliance Permit is issued.
3. Approval of the Conditional Use Permit is contingent on approval of the site plan by staff.
4. Any and all required permits from other regulatory agencies must be in place as a condition of this approval.
5. Final site plan must include a detailed landscaping plan to address landscaping and screening requirements.

6. Applicant must satisfy requirements of Article XI, §152-160 Water Supply Watershed Overlay District Regulations.

5. Meeting Adjourned: 7:45p.m.

Janet Peele made a motion, seconded by Owen Gallagher, to adjourn the meeting of the regularly scheduled Panning Board. Vote unanimous.

Johnny Ransdell, Chairman

Jenni Secrist, Secretary