

MINUTES
MOORE COUNTY PLANNING BOARD
THURSDAY OCTOBER 1 2015, 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd FLOOR

Board Members Present: Rich Smith (Chair), Buck Mims, Gene Horne, Eddie Nobles, David Lambert, Scott McLeod

Board Members Absent: Aaron McNeill (Vice Chairman), Eli Schilling, Joseph Garrison

Staff Present: Debra Ensminger, Planning Director
Brenda White, Deputy County Attorney
Theresa Thompson, Senior Planner
Tim Emmert, Planning Supervisor
Lydia Cleveland, Administrative and Transportation Program Manager

CALL TO ORDER

Planning Board Chairman Rich Smith called the meeting to order.

INVOCATION

Board Member Eddie Nobles offered the invocation.

MISSION STATEMENT

Board Member David Lambert read the Moore County Mission Statement.

PUBLIC COMMENT PERIOD

There was no public comment.

APPROVAL OF THE CONSENT AGENDA

- A. Approval of Meeting Agenda
- B. Approval of Minutes of August 6, 2015
- C. Consideration of Abstentions

Board Member Buck Mims motioned to approve the Consent Agenda and the motion was seconded by Board Member Gene Horne. The motion passed unanimously (6-0).

PUBLIC HEARINGS

The Moore County Planning Board adjourned and reconvened as the Moore County Watershed Review Board by a motion made by Board Member Horne and seconded by Board Member Eddie Nobles. The motion passed unanimously (6-0)

Due to the nature of the request Chairman Smith asked if he could be recused from the SNIA request. Chairman Smith was recused by a motion made by Board Member Horne and seconded by Board Member Mims. The motion passed unanimously (5-0).

(Chairman Rich Smith did not vote for his recusal)

Due to the absence of Chairman Smith and Vice Chairman Aaron McNeill Board Member Scott McLeod made a motion for Board Member Mims to serve as Chairman pro tem for the SNIA request. The motion was seconded by Gene Horne and the motion passed unanimously (5-0). *(Chairman Rich Smith was recused)*

Chairman pro tem Mims described request number one as follows;

Par 5 Development Group, LLC, is seeking a Special Non-residential Intensity Allocation (SNIA) to increase the maximum built-upon area to 47.3% on two adjacent properties (ParID 00030147 and 00015903), owned by R. Carter & Susan Grine, located on NC Hwy 211 near the intersection of Juniper Lake Road, to construct a retail building, driveway, and associated parking.

Senior Planner Theresa Thompson stated that Mr. Scott Brown was present as a representative for the applicant. Ms. Thompson continued and stated the following as part of her presentation. “The applicant is requesting to increase the maximum built upon area to 47.3%, the two properties are located on NC 211 and Juniper Lake Road. The request is to build a new retail building, driveway, and parking. The property is in the watershed III Nick’s Creek Overlay District which allows up to 24% built upon area unless a SNIA is approved which can allow up to 70%. So far 10 SNIA’s have been approved in the Nick’s Creek watershed for a total of 36 acres leaving a balance of 326.77 for future allocations. If this SNIA is approved based on the project size which is 1.29 acres there will be 324.85 acres remaining. State law requires a minimum of 10% set aside for things like schools and utility stations which is 40.34 acres. The applicant has spoken with Public Utilities and they will be tapping into county water. The applicant has spoken with Environmental Health and they are in the process of testing soils to see where the septic will be located. The applicant has already received NCDOT driveway approval which did not affect the on-site site plan and the site plan meets all Moore County Unified Development Ordinance standards.” The request is “in the B2 Highway Commercial zoning district which allows retail uses. The plan also meets the urban transition highway corridor overlay district requirements. The applicant may need to revise the site plan for just the screening portion based on where they are going to locate the septic but that will not affect the impervious surface. Staff will ensure that if the site plan is changed that it meets all required UDO standards. The applicant submitted the Stormwater Control Plan

which illustrates that they are going to be doing an underground retention pond which will be located under the parking area. The letter in the packet from Mr. Brown states that the Stormwater Plan is in accordance with NCDENR Stormwater designated practice manual, which is a UDO requirement.”

Ms. Thompson concluded her presentation and provided the Board with staff recommendations.

Ms. Thompson stated that “given it meets all UDO requirements staff recommends approval with a couple of conditions. Including should the Zoning Administrator, Building Inspections, Environmental Health, Public Utilities, Fire Marshal, or NCDOT identify minor changes staff shall be authorized to accept such minor modifications to the site plan as necessary. Also to recombine the parcels so the building meets setback requirements.”

Ms. Thompson asked the Board for any questions.

Board Member Horne asked if this project has road frontage on Highway 211 and Juniper Lake Road. Ms. Thompson stated that there is another property located behind this one that may be part of a future phase, “so no it does not”. Board Member Horne asked for confirmation that this will only have access on Highway NC211. Ms. Thompson responded that what we require of the applicant right now is for the NC211 side, once they develop the portion on Juniper Lake then we will look at that side. Board Member Horne asked if NCDOT will give the applicant a right and left turn on NC211, because it is in a curve. Mr. Scott Brown the applicant representative stated that they have received approval for both entrances.

Chairman pro tem Mims asked for any further questions.

Board Member McLeod asked if any adjourning properties have received SNIA approval. MS. Thompson stated none of the adjourning properties have received SNIA approval but there have been some in the area with the last one being Shining Stars in 2014.

Board Member Horne stated that he thought that back in 1999 the company he worked for asked for additional allocation for that same area but was not certain.

Board Member McLeod made a motion to approve the Special Non-residential Intensity Allocation (SNIA) on the parcels known as ParID 00030147 and 00015903 with the provided additional conditions. The motion was seconded by Board Member Horne and the motion passed unanimously (5-0)

Board Member McLeod made a motion to adjourn as the Moore County Watershed Review Board and reconvene as the Moore County Planning Board. The motion was seconded by Board Member Lambert and the motion passed unanimously (5-0).

Chairman Smith returned to the meeting.

Chairman Smith described request number two as the following

David Garza, is seeking a two year vested Conditional Use Permit approval to operate a veterinary clinic in an existing building located at 125 West Plaza Drive, West End in Seven Lakes West on a parcel (ParID 97000323) owned by Phillip and Pamela Harrell as identified in the Moore County tax records.

Ms. Thompson stated the following as part of her presentation. “The applicant is requesting to open a veterinary clinic in the Village Business zoning district. All adjoining are commercial. The applicant will occupy 75% of the footprint and after 1 year Mr. Garza plans to occupy the entire building. Typically Conditional Use Permits have a 12 month expiration date since Mr. Garza has provided a Site Specific Plan he can apply for the 2 year vesting where he has a 2 year deadline. In addition there are two ways to stay vested which includes an open building permit or if the building permit has expired but the applicant has demonstrated substantial expenditures which is also known as common law vesting.” Ms. Thompson further explained that the request has been reviewed by Building Inspections, Public Utilities, and Environmental Health. After review county water will be used and the septic system will need to be enlarged. Ms. Thompson stated that the four findings of fact have been met as well as goal 1.7 of the Moore County Land Use Plan.

Ms. Thompson concluded her presentation and provided the Board with staff recommendations.

Ms. Thompson stated that Staff recommends approval with the following conditions. Should the Zoning Administration, Building Inspector, Environmental Health, Public Utilities, or the Fire Marshal identify minor changes staff shall be authorized to accept such minor modifications to the site plan as necessary. The veterinary clinic shall not include outdoor kennels, and the applicant shall have two (2) years to occupy the entire building through vested rights approval.

Chairman Smith opened the public hearing.

No one spoke for or against the proposed Conditional Use Permit.

Chairman Smith closed the public hearing.

Chairman Smith asked the Board if they had any questions for Ms. Thompson or the applicant.

Board Member Lambert asked if this veterinary clinic would be for small animals only. David Garza confirmed that yes it would only be for small animals.

Board Member McLeod asked if the facility would be used to board animals. David Garza stated that an animal would only stay overnight if it was receiving treatment.

David Garza further explained that he will lease the building for one year and then buy the building.

Board Member McLeod asked what percentage of the building the business will occupy to start. David Garza stated approximately 70%.

Board Member Lambert made a motion to endorse the Moore County Board of Commissioners to approve a two year vesting of a Conditional Use Permit for the use of veterinary clinic on the parcel known as ParID#97000323 with the condition that should the Zoning Administration, Building Inspector, Environmental Health, Public Utilities, or the Fire Marshal identify minor changes staff shall be authorized to accept such minor modifications to the site plan as necessary. The veterinary clinic shall not include outdoor kennels, and the applicant shall have two (2) years to occupy the entire building through vested rights approval. The motion was seconded by Board Member Horne and the motion passed unanimously (6-0).

WORKS SESSION

Theresa Thompson reviewed Article 1, 2, 8, and 9 during the work session.

Article 1

This article was decreased to make the language to the point and meet statutory and legal requirements. Bona Fide farms have been removed from this section and included in the Specific Use Standards article along with Compliance Required items.

Article 2

This article was cleaned up and the entire chapter is based on general statutes.

Article 8

This article was decreased to be more business friendly while still addressing safety issues and protecting residential properties. Parking Uses and Requirements was condensed. The Enforcement of Junk Vehicles was removed and The Storage of Mobile Homes was moved to the screening chapter. Driveway changes will be brought back after review of NCDOT recommendations.

Board Member Scott mentioned that the definition of Trailer needs to be narrowed down.

Article 9

In the Zoning section Site Plan Requirements included the combination of residential and non residential site plan requirements because the requirement of a professional engineer to develop a site plan was removed. In the Signs section the language was condensed as well as compliant with recent legislation.

OTHER BOARD MATTERS

There was no discussion.

PLANNING DEPARTMENT REPORTS

Planning Director Debra Ensminger reported that the Work Session will continue next month. Also Lydia Cleveland will send a performance survey to each of the Board Members asking for honest feedback of how staff are performing.

BOARD COMMENT PERIOD

There was no discussion.

ADJOURNMENT

Respectfully submitted by,

Lydia Cleveland