

MINUTES
MOORE COUNTY PLANNING BOARD
THURSDAY JANUARY 7, 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd FLOOR

Board Members Present: Rich Smith (Chair), Aaron McNeill (Vice Chairman), Gene Horne, Eddie Nobles, David Lambert, Joseph Garrison, Buck Mims

Board Members Absent: Scott McLeod

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

CALL TO ORDER

Chairman Rich Smith called the meeting to order.

INVOCATION

Board Member Buck Mims offered the invocation.

MISSION STATEMENT

Board Member Gene Horne 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 December 3, 2015
- C. Consideration of Abstentions

Board Member Horne motioned to approve the Consent Agenda and the motion was seconded by Board Member Mims. The motion passed unanimously (7-0).

PUBLIC HEARING(S)

Chairman Smith opened and described Public Hearing #1 as follows;

Pinesage Solar Farm, LLC is requesting a General Use Rezoning of ParID 00018479, owned by McDonald Family Farms as identified in Moore County tax records; the overall parcel is approximately 53.06 acres. A recombination plat was recorded on December 3, 2015 to combine an approximate 26 acres located to the south of the parcel. The request is to rezone the entire 53.06 parcel from Residential & Agricultural-5 (RA-5) and Highway Commercial (B-2) to Rural Agricultural (RA). The parcel is located north of NC Highway 211.

Senior Planner Theresa Thompson stated the following as part of her presentation. "This request is to rezone an approximate 53 acres from RA-5 and Highway Commercial B-2 to RA. The property is currently undeveloped and the applicant is currently in the process of securing a 50 foot wide and approximately 1700 foot long access easement to NC 211 as illustrated on the recombination plat included in the packets. The adjacent zoning districts comprise of RA-5, B-2, and Planned Unit Development- Hamlet. Adjacent land uses include single family homes, a family cemetery, and undeveloped property. Per the applicants delineation report there are wetlands located on the property. This property is located in the watershed and is located approximately 700 feet north of the urban transition highway corridor overlay district boundary line. Staff has determined there to be general compatibility of uses in the existing proposed zoning districts as indicated on the chart on page 2 of the staff report. The existing zoning districts of this property include RA-5 on the northern half and B-2 on the southern half of the property. There is an overlap of permitted and conditional uses allowed in each district especially for agricultural, recreational, and institutional related uses as indicated on the permitted uses table, included in the packets. For the top half of the property the biggest difference between the existing RA-5 and the proposed RA zoning district is that the RA-5 encourages a lower density development pattern and requires a minimum of 5 acres to subdivide. The minimum lot size in the RA zoning district is 1 acre. The RA and the RA-5 zoning districts allow practically all the same permitted uses. The RA zoning district does allow additional conditional uses that the RA-5 does not though each of these conditional uses would be vetted through the conditional use process. There are more significant differences between B-2 and RA on the bottom half of the property as indicated on the staff report and in the permitted use table. The B2 district is currently zoned as part of a commercial buffer along highway 211. Staff has determined the proposed rezoning request is consistent with the Moore County Land Use Plan Map that classifies this area of land medium density residential which is in general compatibility with the RA zoning district. The Land Use Plan indicates that the medium density land use classification encourages a mixture of residential and some non residential supportive uses such as schools, daycares, churches, and others. The RA zoning district encourages similar mixtures, the biggest differences is that the RA district accommodates additional non residential uses though the majority of these uses are conditional and that requires a separate quasi judicial process. The proposed rezoning request is compatible with the Land Use Plan goals and that the property is a large tract of land and being rezoned to RA

supports operative environments for agriculture. Another goal is to preserve large tracts of prime agricultural land to ensure farming remains a viable part of the local economy. Goal and Action 1.5.2 is to support new developments that utilize existing infrastructure that economically preserves open space. This is a large tract of land and more likely to preserve more open space based on the permitted and conditional uses allowed in the RA zoning district. Examples of permitted uses in the RA district include single family and agricultural uses. The example of conditional uses include manufactured home parks, animal training facilities, solar farms, animal shelters, nursing homes, saw mills, mining, and salvage yards. Therefore the proposed rezoning request is compatible with the Land Use Plan however the Board should consider all permitted uses and conditional uses in the RA zoning district and determine their suitability for the proposed area. Staff recommends the Board to make two separate motions. The first would be to adopt the Planning Board Consistency Statement and the second motion is to endorse the Board of Commissioners to approve or deny the zoning request. The applicants are here to answer any questions.”

Board Member Horne asked for clarification on what the two motions included. Ms. Thompson explained that one is for the consistency statement and the second is for the rezoning request.

Chairman Smith called on Mr. George Ingram who signed up to speak during the hearing. Mr. Ingram explained that he is present representing Sunlight Church Incorporated and he is opposed to the request as an adjoining property owner. Mr. Ingram explained that he feels Moore County is overrun with solar farms and he is concerned about the proximity to Pinehurst.

Board Member Mims asked Mr. Ingram where his church is located in relation to the request. Mr. Ingram explained it is the top building that sits off the road.

Board Member Garrison and Horne discussed the proximity to Pinehurst.

Mr. Brian Quinlan explained he is present on behalf of the applicant. Mr. Quinlan stated the following as part of justification for the request; “The northern part is RA-5 and the southern is B2, you can see that the area sits back about 1400 feet off 211 in a little and stranded location. We are going to rezone and combine the RA-5 and B2 to RA. We have worked closely with the Planning Department to assess the characteristics of the land and to make sure it is consistent with the land use plans in the county. We also held a public hearing before the holidays at Pinehurst Baptist Church, where about 40 landowners showed up and had a good discussion. Everyone was supportive of who was there. Theresa pretty much went through this but just to reiterate the RA-5 and RA are very similar in the general categories of land use. There are some differences between B-2 and RA but the lower density land use categories are the same and then she also mentioned the medium residential category and RA fits right into that. There are some characteristics of the piece of property itself that lend it to be more compatible with a RA zoning classification. There are no trees you can just see dirt on the southern end when they were doing work in that area, so that area is basically reclaimed. There are

compaction issues to reclaimed land that limits the use for that land. Where the red line runs on the west side of the property and the tree line that is on east side kind of comes to a point. All that is wetland, a little island essentially, it is kind of a stranded area. Distribution lines also split the property.”

Chairman Smith asked Mr. Quinlan if has submitted a layout. Mr. Quinlan explained that since it is only a rezoning that hasn't been submitted.

Chairman Smith asked staff if he can ask specific questions.

Planning Director Debra Ensminger stated No, you have to consider all the uses with the RA zoning district. Even though it is a solar company that is requesting it, it is a general rezoning so you have to consider all the uses. If it is rezoned you receive a conditional use permit for that use.

Board Member David Lambert asked Mr. Quinlan how many people attended the community meeting. Mr. Quinlan stated there were about 40. Board Member Lambert asked if all were in agreement with this request and Mr. Quinlan stated yes.

Board Member Mims asked Ms. Ensminger from her experience and what staff know about the application is there anything in what they are doing that is not in compliance or may be an issue. Ms. Ensminger stated considering the general use rezoning, in the Board's consideration of the rezoning you should consider all the specific uses and to consider that area is a major vein into Moore County, to consider the Land Use Plan, and to consider the surrounding uses.

Board Member Garrison asked if it is a fair statement to say that this area is huge growth corridor and we have to consider if we allow a rezoning not for specific use but when you open the door something can come in that you don't like.

Chairman Smith stated that this could be true with anything and Board Member Garrison agreed.

Board Member Mims stated that one thing we must think about is is the proximity to the Pinehurst area and what direction can they grow. There are few directions to grow in and as commercial growth grows out do we want to keep it in that type of zoning or change it.

Ms. Ensminger stated that in considering this request, in our Land Use Plan we committed that we would consider our adjoining jurisdictions and be consistent and be friendly.

Board Member Mims asked for the language from the Land Use Plan that would apply to this request. Ms. Ensminger stated that Ms. Thompson pointed out that it is in the medium density portion but in considering the Land Use Plan you have to look at it in its close proximity to municipalities, where it is located, the highway corridor overlay district, and there is a lot to consider.

Board Member Garrison stated that it was zoned the way it was for a reason based on the fact that is a main growth corridor and I would encourage all Board members before we vote to consider this fact.

Board Member Mims stated that for him if you were to zone that area RA you could cut out any commercial and retail that could go there for some time.

Vice Chairman McNeill asked if access has been granted to this property from a major road. Ms. Ensminger explained that the applicant is the process of obtaining an access easement.

Board Member Horne stated that this request is good distance off the road and doesn't think it shuts retail out completely. Board Member Horne further asked if this area has county water and sewer. Ms. Ensminger confirmed this area has access to both water and sewer.

Board Member Lambert asked what impact the reclaimed land would have on development and is it still buildable. Ms. Ensminger stated that it is still buildable and we should not be considering this only the ordinance, the surrounding area, and the uses.

Board Member Mims made a motion to not adopt the attached Moore County Planning Board Consistency Statement and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341. The motion was seconded by Board Member Garrison. The motion was denied unanimously (7-0).

Board Member Mims stated that we have a very robust area with a lot of growth and right now it is 1500 feet off the road but that may not be case in the future.

Board Member Nobles stated that he concerned about the single family homes, the churches and the wetlands as well.

Board Member Mims made a motion to endorse the Moore County Board of Commissioners to deny the general use rezoning of the parcel known as ParID 00018479 as identified in Moore County tax records from Residential & Agricultural-5 (RA-5) and Highway Commercial (B-2) to Rural Agricultural (RA) as proposed. The motion was seconded by Board Member Garrison. The motion was denied unanimously (7-0).

WORK SESSION

Ms. Thompson reviewed Chapter 7 (Non Residential Screening) and Chapter 20 (Watershed Overlay District). Chapter 7 has been reviewed before but the last page reviewing Highway Overlay Corridor District was added because it was reduced to one page. Ms. Thompson reviewed all the items that were removed from the current Highway Overlay Corridor District article.

Ms. Thompson explained that Chapter 20 is entirely based on General Statute 143 Article 21 as well as NC Environmental Management Commission.

OTHER BOARD MATTERS

No other board matters were discussed.

PLANNING DEPARTMENT REPORTS

Ms. Ensminger stated that there will be a SNIA request for February as well as another work session.

BOARD COMMENT PERIOD

Vice Chairman McNeill asked for an update on the cell towers that were approved months ago. Ms. Ensminger stated that Sam's Place, Dowd Road, and Borden Road have all been built but currently do not have any antennas. We have reached out to both AT&T and American Tower and will give an update at the February meeting.

ADJOURNMENT

Respectfully submitted by,

Lydia Cleveland