

**MINUTES
MOORE COUNTY PLANNING BOARD
THURSDAY, OCTOBER 4, 2018 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd FLOOR**

Board Members Present: Joe Garrison (Vice Chair), Harry Huberth, David Lambert, John Matthews, Bobby Hyman, John Cook, Matthew Bradley

Board Members Absent: Jeffrey Gilbert, Eddie Nobles (Chair)

Staff Present: Debra Ensminger, Planning Director
Tron Ross, County Attorney
Theresa Thompson, Planning Supervisor
Darya Cowick, Planner
Stephanie Cormack, Administrative Officer

CALL TO ORDER

Vice Chair Joe Garrison called the meeting to order at 6:00 pm.

INVOCATION

Board Member John Matthews offered the invocation.

PLEDGE OF ALLEGIANCE

Board Member David Lambert led in citing of the Pledge of Allegiance.

MISSION STATEMENT

Board Member Matthew Bradley 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 September 6, 2018
- C. Consideration of Abstentions

Board Member Harry Huberth made a motion to approve the consent agenda. The motion was seconded by Board Member John Cook and the motion passed unanimously (7-0).

PUBLIC HEARING

Public Hearing #1 – General Use Rezoning Request Neighborhood Business (B-1) to Residential and Agricultural-40 (RA-40)

Planning Supervisor Theresa Thompson presented to the Board a request from Tammy Allred Forest requesting a General Use Rezoning from Neighborhood Business (B-1) to Residential and Agricultural-40 (RA-40) of an approximate 6.21 acre parcel, located at 3221 Vass-Carthage Rd and adjacent to Bibey Rd., owned by Tammy Allred per Deed Book 2015E, Page 629.

Mrs. Thompson went over the item within the packet pointing out the site is located near the Village of Whispering Pines providing practically, easy access and reduced travel times to nearby towns.

Vice Chair Garrison opened the public hearing calling upon the following individuals signed up to speak during the public hearing.

- Gerard Forest - 437 Avenue of the Carolina's, Mr. Forest and his wife Tammy own the property located at 3221 Vass-Carthage Rd. This property has been on the market for sale listed as commercial land with no interested buyers and would like to rezone to residential for future use.
- Pete Mace-170 Pines Barrens Vista, Southern Pines. Mr. Mace is a real estate broker who has had the property listed as business for over a year with little interest. Mr. Mace feels rezoning the property to residential would be a better use.
- Mia Thompson-629 Bibey Rd., Mrs. Thompson and her neighbors have a great concern about the potential increase in traffic on Bibey Rd. Ms. Thompson inquired if the property is allowed to be rezoned residential how many homes could be placed on that site. Ms. Thompson also presented a letter written by Tim & Renee Short's as they were not able to attend the meeting opposed to the request, letter attached as "Exhibit A".
- Tim Allred-owns the property adjacent to the applicant at 3193 Vass-Carthage Rd., Mr. Allred's is not for the request and is concerned how the rezoning could potentially affect his business in the future.

Vice Chair Garrison requested Theresa Thompson to explain the potential subdivision process that could impact this particular lot.

Mrs. Thompson provided the board the following information. If rezoned RA-40 the minimum lot size is 40,000sf and could subdivide up to four (4) lots every three (3) years unless the applicant installs a Department of Transportation Road (DOT). However, with a pond located on the lot a major subdivision would be unlikely and would allow a minor subdivision up to 4 lots each requiring 100 foot of road frontage.

Board Member Matthews inquired if a major subdivision was possible if the property owner were to obtain adjacent properties.

Mrs. Thompson concurred this was a possibility.

Board Member Lambert noted if the property continued with the B-1 zoning there could be a future potential for an increase of traffic in that area.

Board Member Huberth inquired if the current adjacent business would be required to adhere to the screening requirements.

Mrs. Thompson mentioned the current business adjacent to the rezoning request would be vested and not required to install screening.

With no further discussion Vice Chair Garrison closed the public hearing.

Board Member Matthew Bradley made a motion to adopt one of the attached Moore County Planning Board Land Use Plan Consistency Statements approve and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341. The motion was seconded by Board Member David Lambert; the motion passed unanimously 7-0.

Board Member David Lambert made a motion to recommend approval to the Moore County Board of Commissioners of the General Use Rezoning request from Neighborhood Business (B-1) to Residential and Agricultural-40 (RA-40) of an approximate 6.21 acre parcel, located at 3221 Vass-Carthage Rd and adjacent to Bibey Rd., owned by Tammy Allred per Deed Book 2015E, Page 629. The motion was seconded by Board Member Harry Huberth; the motion passed unanimously 7-0.

At this time the Planning Board recessed as the Planning Board and opened the meeting acting as the Watershed Review Board.

Public Hearing #2 – Special Non-residential Intensity Allocation (SNIA) Request (“STARS Charter School”-140 Southern Dunes Drive)

Planner Darya Cowick presented to the Board a request from STARS Charter School seeking a Special Non-Residential Intensity Allocation (SNIA) to increase the maximum built upon area to 49.17% on a property located at 140 Southern Dunes, Vass NC owned by Neighborhood Youth Leadership to construct Phase 2 of the expansion of STARS Charter School.

Mrs. Cowick provided the board a brief background as outlined in the staff report.

Vice Chair Garrison called upon the following individuals signed up to speak during the public hearing.

- Jeremy Sparrow-143 Cardinal Lane, land planners of the project with Koontz design is available to answer any questions if needed.
- Scott Matthews-sign up to speak however had no additional comments.

With no further discussion Vice Chair Garrison closed the public hearing.

Board Member John Matthews made a motion to approve the Special non-residential Intensity Allocation (SNIA) to increase the maximum built upon area to 49.17% on a 9.17 acre property located at 140 Southern Dunes, Vass NC owned by Neighborhood Youth Leadership. The motion was seconded by Board Member John Cook; the motion passed unanimously 7-0.

At this time the board adjourned as the Watershed Review Board and reconvened the Planning Board.

Public Hearing #3 – Moore County staff is requesting amendments to the Moore County Unified Development Ordinance.

Planning Supervisor Theresa Thompson presented to the board the requested amendments as noted within the staff report.

- Amend Chapter 2 (Review Bodies and Administrator), Section 2.2 (Planning Board), Subsection A (Powers and duties)
- Amend Chapter 4 (Zoning Permits), Section 4.2 (Applications), Subsection A (Pre-Application Meeting)
- Amend Chapter 4 (Zoning Permit), Section 4.3 (Action by the Administrator)
- Amend Chapter 4 (Zoning Permit), Section 4.4 (Zoning Decision Sign)
- Amend Chapter 7 (General Development Standards), Section 7.11 (Non-Residential Screening), Subsection A (Applicability)
- Amend Chapter 7 (General Development Standards), Section 7.11 (Non-Residential Screening), Subsection D (Screening Types)
- Amend Chapter 8 (Specific Use Standards), Section 8.4 (Accessory Dwelling Located with a Single Family Dwelling), Subsection B (Standards)
- Amend Chapter 8 (Specific Use Standards), Section 8.6 (Accessory Manufactured Home), Subsection B (Standards)
- Amend Chapter 8 (Specific Use Standards), Section 8.7 (Accessory Stick Built Dwellings), Subsection A (Definitions) and B (Standards)
- Amend Chapter 8 (Specific Use Standards), Section 8.8 (Single Family Dwelling), Subsection A (Definition)
- Amend Chapter 8 (Specific Use Standards), Section 8.11 (Home Occupation, Level 1), Subsection A (Definition)
- Amend Chapter 8 (Specific Use Standards), Section 8.12 (Home Occupation, Level 2), Subsection A (Definitions)
- Amend Chapter 8 (Specific Use Standards), Section 8.13 (Manufactured Home), Subsection C (Prohibited)

- Amend Chapter 8 (Specific Use Standards), Section 8.18 (Multifamily Dwellings), Subsection A (Definitions) and Subsection C (Setbacks)
- Amend Chapter 8 (Specific Use Standards), Section 8.23 (Kennels, Overnight), Subsection A (Definition)
- Amend Chapter 8 (Specific Use Standards), Section 8.84 (Recreation, Indoor), Subsection A (Definition)
- Amend Chapter 8 (Specific Use Standards), Section 8.92 (Amateur Radio and Receive-only Antenna), Subsection C (Supplemental)
- Amend Chapter 8 (Specific Use Standards), Section 8.100 (Mini-Warehouse), Subsection B (Standards)
- Amend Chapter 8 (Specific Use Standards), Section 8.111 (Manufactured Home or Recreational Vehicle, Temporary Use), Subsection A (Definition)
- Amend Chapter 10 (Text Amendments & General Use Rezoning), Section 10.2 (Application Process), Subsection A (Submittal)
- Amend Chapter 10 (Text Amendments & General Use Rezoning), Section 10.3 (Notice of Public Hearings), Subsection D (Fort Bragg Notification)
- Amend Chapter 11 (Conditional Rezoning), Section 11.2 (Application Process), Subsection A (Submittal)
- Amend Chapter 11 (Conditional Rezoning), Section 11.3 (Notice of Public Hearings), Subsection D (Fort Bragg Notification)
- Amend Chapter 12 (Conditional Use Permits), Section 12.2 (Application Process), Subsection A (Submittal)
- Amend Chapter 18 (Subdivisions), Section 18.6 (Preliminary Plat Submittal and Review), Subsection B (Subdivision Review Approval Steps)
- Amend Chapter 18 (Subdivisions), Section 18.6 (Preliminary Plat Submittal and Review), Subsection I (Subdivision Decision Sign)
- Amend Chapter 18 (Subdivisions), Section 18.7 (Minimum Design Standards), Subsection E (Marginal Access Streets)
- Amend Chapter 18 (Subdivisions), Section 18.7 (Minimum Design Standards), Subsection F (NCDOT Approval)
- Amend Chapter 18 (Subdivisions), Section 18.7 (Minimum Design Standards), Subsection H (Traffic Signs and Control)
- Amend Chapter 18 (Subdivisions), Section 18.7 (Minimum Design Standards), Subsection K (Water and Sewer Options)
- Amend Chapter 18 (Subdivisions), Section 18.7 (Minimum Design Standards), Subsection S (Cluster Mailboxes)
- Amend Chapter 18 (Subdivisions), Section 18.8 (Conservation Design Standards), Subsection C (Dimensional Requirements)
- Amend Chapter 18 (Subdivisions), Section 18.15 (Subdivision Plat Requirements)
- Amend Chapter 18 (Subdivisions), Section 18.16 (Subdivision Plat Requirements)
- Amend Chapter 19 (Definitions), Section 19.2 (Definitions)
 - Lot Line, Front
 - Setback
 - Street, Arterial
 - Street, Marginal Access

Vice Chair Garrison opened the Public Hearing, with no further discussion or Public Comment Vice-Chair Garrison closed the public hearing.

Board Member Harry Huberth made a motion to adopt the attached Moore County Planning Board Land Use Plan Consistency Statement approval and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341. The motion was seconded by Board Member Bobby Hyman; the motion passed unanimously 7-0.

Board Member Harry Huberth made a motion to recommend approval to the Moore County Board of Commissioners of the proposed text amendments to the Moore County Unified Development Ordinance. The motion was seconded by Board Member Bobby Hyman; the motion passed unanimously 7-0.

OTHER

Planning Supervisor Theresa Thompson presented to the Board a request to seek guidance regarding Skill-Based Gaming Establishments Options as outlined within the staff report. Staff is recommending adding General Gaming Establishments to the “Indoor Recreation” use category adding “Adult Gaming Establishments” to the “Adult Uses” Category in the Table of Uses.

After minor discussion was held amongst the board it has been recommended for staff to establish a Text Amendment adding Skill-Based Gaming to the Moore County Table of Use under Commercial Uses, Industrial zoning, allowed as a Conditional Use with a 50 foot setback requirement with a maximum of four (4) machines to be permitted.

PLANNING DEPARTMENT REPORTS

Planning Director Debra Ensminger provided the Board with an update regarding a past Extraterritorial expansion request by the Town of Pinebluff. Ms. Ensminger explained to the Board this case had been lost by the County in the Applets Court due to a local act by the State of North Carolina that grants at right anytime there is an annexation request allowing the Town of Pinebluff to expand their Extraterritorial Jurisdiction, the item will be discussed further by the Moore County Board of Commissioners during the October 16th meeting to determine if further action will be taken by the County.

Ms. Ensminger also mention the local act affects the following jurisdictions regarding ETJ expansion request, Town of Pinebluff, Town of Aberdeen, Town of Southern Pines and the Village of Pinehurst and based on this act anyone of these jurisdictions could present a resolution to the Moore County Board of Commissioners with an expansion request and be granted..

BOARD COMMENT PERIOD

There was no Board comment period

ADJOURNMENT

Board Member Bobby Hyman made a motion to adjourn the October 4, 2018 regular meeting. The motion was seconded by Board Member Harry Huberth and the motion passed unanimously 7-0.

Respectfully submitted by,

Stephanie Cormack

October 4, 2018

To whom it may concern,

We at 611 Bibey Road would like for it to be known that we are opposed to the re-zoning from commercial to residential, of the property that is partially on Bibey Road and Vass-Carthage Road.

With the amount of building that is going on at the opposite end of Bibey Road, the traffic has become worse and were afraid re-zoning that property to residential would add more traffic if new houses were added. We already have heavy traffic as Bibey Road is used as a "cut-through" for Union Pines and New Century schools.

Please reconsider the decision regarding re-zoning of this property.

Tim & Renee Short
611 Bibey Road
Carthage