

**MINUTES**  
**MOORE COUNTY PLANNING BOARD**  
**THURSDAY, December 6, 2018 6:00 PM**  
**MOORE COUNTY HISTORIC COURTHOUSE – 2<sup>nd</sup> FLOOR**

**Board Members Present:** Eddie Nobles (Chair), Joe Garrison (Vice Chair), Harry Huberth, Bobby Hyman, John Cook, Jeffrey Gilbert

**Board Members Absent:** David Lambert, John Matthews, Matthew Bradley

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

**CALL TO ORDER**

Chair Eddie Nobles called the meeting to order at 6:00 pm.

**INVOCATION**

Board Member Joe Garrison offered the invocation.

**PLEDGE OF ALLEGIANCE**

Board Member Bobby Hyman led in citing of the Pledge of Allegiance.

**MISSION STATEMENT**

Board Member Jeffrey Gilbert 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 November 1, 2018
- C. Consideration of Abstentions

Board Member Jeffrey Gilbert made a motion to approve the consent agenda. The motion was seconded by Board Member Harry Huberth and the motion passed unanimously (6-0).

## **PUBLIC HEARING**

### **Public Hearing #1 - General Use Rezoning Request Rural Agricultural (RA) to Neighborhood Business (B-1)**

Planner Darya Cowick presented a request by Stewart McFayden requesting a General Use Rezoning from Rural Agricultural (RA) to Neighborhood Business (B-1) of the southern portion, being approximately 1.76 acres, of an approximate 3.06 acre parcel, located at 2510 Lobelia Rd. adjacent to the intersection of Lobelia Rd and J Burns Rd. owned by Stewart McFadyen, per Deed Book 2017E Page 712 and recorded in Plat Cabinet 17, Slide 900.

Mrs. Cowick went over the item within the packet pointing out the site is currently undeveloped and adjacent properties include a real estate office, gas station, single family dwellings, and agricultural land. Ms. Cowick also pointed out 1.3 acres of the property is currently already zoned Neighborhood Business (B-1)

Chairman Nobles opened the Public Hearing, with no further discussion or Public Comment Chairman Nobles closed the public hearing.

Board Member Joe Garrison made a motion to adopt one of the attached Moore County Planning Board Land Use Plan Consistency Statements for 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 John Cook; the motion passed unanimously 6-0.

Board Member Joe Garrison made a motion to recommend approval to the Moore County Board of Commissioners of the General Use Rezoning request from Rural Agricultural (RA) to Neighborhood Business (B-1) of the southern portion, being approximately 1.76 acres, of an approximate 3.06 acre parcel, located at 2510 Lobelia Rd. adjacent to the intersection of Lobelia Rd. and J Burns Rd. The motion was seconded by Board Member Bobby Hyman; the motion passed unanimously 6-0.

### **Public Hearing #2 – General Use Rezoning Request Gated Community Seven Lakes (GCSL) to Rural Agricultural Urban Service Boundary (RA-USB)**

Planner Darya Cowick presented a request by Jamie Cagle requesting a General Use Rezoning from Gated Community Seven Lakes (GCSL) to Rural Agricultural Urban Service Boundary (RA-USB) of 3 parcels, being approximately 2.084 acres total, located at 549 Lucas Rd. West End owned by Jamie Cagle, per Deed Book 1515 Page 210 and Deed Book 2334 Page 318.

Mrs. Cowick went over the item within the packet pointing out a single family dwelling is currently located on the property and adjacent properties include a golf course, landscaping business and single family dwellings.

Chairman Nobles opened the Public Hearing, with no further discussion or Public Comment Chairman Nobles closed the public hearing.

Board Member Joe Garrison made a motion to adopt one of the attached Moore County Planning Board Land Use Plan Consistency Statements for 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 Harry Huberth; the motion passed unanimously 6-0.

Board Member Joe Garrison made a motion to recommend approval to the Moore County Board of Commissioners of the General Use Rezoning from Gated Community Seven Lakes (GC-SL) to Rural Agricultural Urban Service Boundary (RA-USB) of 3 parcels, being approximately 2.084 acres total, located at 549 Lucas Rd. The motion was seconded by Board Member Bobby Hyman; the motion passed unanimously 6-0.

**Public Hearing #3** – General Use Rezoning Request Residential and Agricultural-5 (RA-5) to Highway Commercial (B-2)

Planning Supervisor Theresa Thompson presented to the board a request made by the Planning staff requesting a General Use Rezoning from Residential and Agricultural-5 (RA-5) to Highway Commercial (B-2) of an approximate 5.844 acres parcel, located at 126 Old West End School Ln, West End, owned by Moore County, per Deed Book 428 Page 480.

Mrs. Thompson went over the item within the packet pointing out a senior center, gym and auditorium are currently located on the property and adjacent properties include three hair salons, electrical contractor shop, construction company, surveyor office, monument company and single family dwellings. In addition to the rezoning process staff will be asking the Board of Commissioners to consider approval of demolition of the buildings located on site as well as going through the property disposition process. Rezoning the property to Highway Commercial and demolition of the buildings will improve marketability of the property.

Board Member Harry Huberth asked for further clarification of the zoning map which appeared the back portion of the property was not within the rezoning request.

Mrs. Thompson explained to the board the portion of question is located in the right of way and the zoning designation does not apply to the right of way.

Board Member Joe Garrison inquired if the purpose of the rezoning request was for Moore County to sale the property.

Mrs. Thompson confirmed that was the purpose.

Board Member Jeffrey Gilbert wanted to clarify that all the buildings would be demolished and if the buildings had a current use.

Mrs. Thompson confirmed none of the buildings were currently in use and the intent is to have the buildings removed from the property.

Chairman Nobles opened the Public Hearing; Pete Mace located at 170 Pine Barrens Vista in Southern Pines has requested to speak regarding the rezoning request. Mr. Mace has requested when considering demolition of the current building he knows members of the public would like to take a piece of history from the building as they may have attended school at that location in the past.

Mrs. Thompson mentioned the recommendation be passed on to the next level for consideration.

With no further discussion or Public Comment Chairman Nobles closed the public hearing.

Board Member Harry Huberth made a motion to adopt one of the attached Moore County Planning Board Land Use Plan Consistency Statements for 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 Joe Garrison; the motion passed unanimously 6-0.

Board Member Joe Garrison made a motion to recommend approval to the Moore County Board of Commissioners of the General Use Rezoning from Residential and Agricultural-5 (RA-5) to Highway Commercial (B-2) of an approximate 5.844 acre parcel, located at 126 Old West End School Ln, West End. The motion was seconded by Board Member Harry Huberth; the motion passed unanimously 6-0.

**Public Hearing #4 – General Use Rezoning Request Mobile Home District (R-MH) to Residential and Agricultural-40 (RA-40)**

Planning Supervisor Theresa Thompson presented to the board a request made by Heidi Thompson requesting a General Use Rezoning from Mobile Home District to Residential and Agricultural-40 (RA-40) of two parcels located at 7347 Beulah Hill Church Rd. and at 7383 Beulah hill Church Rd., being approximately 1.58 and 1.38 acres, owned by Code Plus Construction per Deed Book 4990, Page 509 and Plat Cabinet 17, Slide 913.

Mrs. Thompson went over the item within the packet noting the property is currently undeveloped, adjacent properties include a manufactured home park, single family dwellings and a church.

Chairman Nobles opened the Public Hearing; Jerry Graham located at 3160 Murdocksville Rd. West End representing Beulah Hill Church has requested to speak regarding the rezoning request. Mr. Graham mentioned he is not against the request and wanted to inform the board that he and the applicant are working towards obtaining an easement to access the cemetery located on the back side of the property.

With no further discussion or Public Comment Chairman Nobles closed the public hearing.

Board Member Joe Garrison made a motion to adopt one of the attached Moore County Planning Board Land Use Plan Consistency Statements for 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 6-0.

Board Member Joe Garrison made a motion to recommend approval to the Moore County Board of Commissioners of the General Use Rezoning from Mobile Home District (R-MH) to Residential and Agricultural-40 (RA-40) of two parcels located at 7347 Beulah Hill Church Rd. and at 7383 Beulah Hill Church Rd. being approximately 1.58 and 1.38 acres. The motion was seconded by Board Member Harry Huberth; the motion passed unanimously 6-0.

### **Public Hearing #5 – Unified Development Ordinance Text Amendments**

Moore County staff is requesting amendments to the Moore County Unified Development Ordinance.

Planning Director Debra Ensminger 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 12 (Conditional Use Permits), Section 12.2 (Application Process)
- Amend Chapter 12 (Conditional Use Permits), Section 12.3 (Notice of Public Hearings)

Board member Joe Garrison asked if the requested amendments were a common request and if other jurisdictions followed this same process.

Ms. Ensminger explained this was a common process and would allow the Board of Commissioners to make the final decisions going through quasi-judicial process.

Chairman Nobles opened the Public Hearing, with no further discussion or Public Comment Chairman Nobles closed the public hearing.

Board Member Joe Garrison 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 6-0.

Board Member Joe Garrison 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 6-0.

### **Public Hearing #6 - Unified Development Ordinance Text Amendments**

Moore County staff is requesting amendments to the Moore County Unified Development Ordinance.

Planning Director Debra Ensminger presented to the board the requested amendments as noted within the staff report.

- Amend Chapter 2 (Review Bodies and Administrator), Section 2.1 (Board of Commissioners), Subsection A (Powers and Duties)
- Amend Chapter 2 (Review Bodies and Administrator), Section 2.3 (Subdivision Review Board), Subsection A (Powers and Duties)
- Amend Chapter 6 (Table of Uses), Section 6.1 (Table of Uses)
- Amend Chapter 18 (Subdivisions), Section 18.6 (Major Subdivisions-Preliminary Plat Submittal and Review)
- Amend Chapter 18 (Subdivisions), Section 18.7 (Major Subdivisions-Minimum Design Standards as Shown on Preliminary Plat)
  - Item S (Adequacy of Public School Facilities) language within the staff report will be removed from this text amendment request at the recommendation of the County attorneys.
- Amend Chapter 18 (Subdivisions), Section 18.9 (Option 2-Conventional Subdivision Design Standards)
- Amend Chapter 18 (Subdivisions), Section 18.11 (Final Plat Submittal)

Ms. Ensminger explained to the board the request is to guide growth in areas that will not place a strain on the county resources that are available like water and sewer. The recommended changes will allow all major subdivisions to be placed only in the Rural and Agricultural-40 (RA-40), Rural and Agricultural-20 (RA-20), and Rural and Agricultural-Urban Service Boundary (RA-USB) through a conditional use permit and would go before the Board of Commissioners for review/approval.

Board Chair Nobles asked if this process would prevent future major subdivisions to happen in areas beyond RA-40, RA-20 and RA-USB.

Ms. Ensminger explained future development could go through a rezoning request for those properties adjacent to RA-40, RA-20 and RA-USB zonings areas and then follow the same process as outlined in the Unified Development Ordinance. The intent is not to stop development and growth but to guide development and growth in areas that can support it.

Board Member Jeffrey Gilbert inquired if the county was to continue to grow and extend out to areas beyond allowed what point would septic tanks not be sustainable and what impact would it be on the developer to provide sewer and assume the cost of installation.

Ms. Ensminger explained this would be a big impact on the developer and would prevent development. Currently the county provides water and sewer in some areas, typically only water is provided by the county in areas that do not have sewer available and septic systems are used. This request is to provide guidance to development in areas where current infrastructure is available.

Board Member Harry Huberth commented on the storm water drainage options and recommended stricter rules to be put in place to protect the public.

Mrs. Thompson approached the podium and explained to the board staff has reached out to the Department of Environmental Quality (DEQ) and will present options to the board once further research has been completed regarding drainage requirements.

Board Member Jeffrey Gilbert requested information how the buyer could be protected regarding agriculture land and potential aromas that come along with agricultural uses.

Board Member Harry Huberth explained Moore County has what is called a Voluntary Agricultural District (VAD) and it is the responsibility of the buyer's realtor to inform their client if the property is within this district.

Chairman Nobles opened the Public Hearing, with no further discussion or Public Comment Chairman Nobles closed the public hearing.

Board Member Joe Garrison 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 John Cook; the motion passed unanimously 6-0.

Board Member Harry Huberth made a motion to recommend approval to the Moore County Board of Commissioners of the proposed text amendments with the intent to revisit language options regarding drainage in the future to the Moore County Unified Development Ordinance. The motion was seconded by Board Member Joe Garrison; the motion passed unanimously 6-0.

## **PLANNING DEPARTMENT REPORTS**

Planning Director Debra Ensminger mentioned there will be one item to go before the Planning Board in January. The items presented at tonight's meeting will go before the Board of Commissioners the second meeting in January.

**BOARD COMMENT PERIOD**

No Board comments

**ADJOURNMENT**

With no further comments Board Member Joe Garrison made a motion to adjourn the December 6, 2018 regular meeting. The motion was seconded by Board Member Bobby Hyman and the motion passed unanimously 6-0.

Respectfully submitted by,

Stephanie Cormack