

MINUTES
MOORE COUNTY PLANNING BOARD
THURSDAY, February 1, 2018 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd FLOOR

Board Members Present: Eddie Nobles (Chairman), Matthew Bradley, Harry Huberth, John Matthews, John Cook, Jeffery Gilbert, Bobby Hyman

Board Members Absent: David Lambert, Joe Garrison,

Staff Present: Debra Ensminger, Planning Director
Brian Godfrey, County Attorney
Theresa Thompson, Senior Planner
Darya Cowick, Planner
Stephanie Cormack, Administrative Assistant

CALL TO ORDER

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

INVOCATION

Board Member Bobby Hyman offered the invocation.

PLEDGE OF ALLEGIANCE

Board Member John Cook led in citing of the Pledge of Allegiance.

MISSION STATEMENT

Board Member Harry Huberth 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 October 5th, 2017
- 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 (7-0).

PUBLIC HEARING

Chairman Nobles opened the Public Hearing and recessed as the Planning Board to act as the Watershed Review Board.

Public Hearing #1 - Special Non-residential Intensity Allocation (SNIA) Request (O'Reilly Automotive Stores, Inc-4209 NC Hwy 211

Senior Planner Theresa Thompson presented to the Board a request for O'Reilly Automotive Stores, Inc. who is seeking a Special Non-residential intensity Allocation (SNIA) to increase the maximum built-upon area to 50.90% on two adjacent properties located at 4209 NC Hwy 211 in the Seven Lakes Village Business district to construct an O'Reilly Auto Store with parking and a driveway located in balance of the water shed III Drowning Creek watershed overlay district. The watershed allows up to 12% built upon area except with the approval of a SNIA which the board can approval up to 70% built upon area.

To date three (3) SNIA's have been approved in the Drowning Creek watershed for a total of 7.19 acres leaving a balance of 2,213.63 acres for future allocation. If approved based on the project size which is 1.2 acres of land will leave 2,212.41 acres of land for future allocation. State Law requires 5% to be set aside of the total 2,212 acres for public project such as schools and utility stations which will be 116.89 acres.

The applicant has submitted a storm water control plan illustrating a detention pond being located adjacent to the parking lot. The applicants Engineer has also submitted a letter stating that he storm water plan is designed in according to NC DEQ storm water best management practices. The applicant meets all UDO requirements for the SNIA approval therefore Moore County staff recommends approval of the SNIA request.

Minor discussion was held by the board which was not relevant as a Watershed Review Board.

With no further discussion Theresa Thompson requested the Watershed Review Board make a motion to approve the Special Non-residential Intensity Allocation (SNIA) to increase the maximum built-upon area to 5090% on two adjacent properties known as Parcel ID 94000440, 00020121, located at 4209 NC Hwy 211, West End owned by O'Reilly Automotive Stores, Inc.

Board member Harry Huberth made a motion to approve the Special Non-residential Intensity Allocation (SNIA) to increase the maximum built-upon area to 5090% on two adjacent properties known as Parcel ID 94000440, 00020121, located at 4209 NC Hwy 211, West End owned by O'Reilly Automotive Stores, Inc. The motion was seconded by Board Member John Cook; the motion passed unanimously 7-0.

Chairman Nobles recessed as the Watershed Review Board and resumed as the Planning Board.

Public Hearing #2 - Juniper Ridge Partners, LLC General Use Rezoning

Senior Planner Theresa Thompson presented to the Board a request for a General Use Rezoning for Juniper Ridge Partners, LLC. Juniper Ridge Partners, LLC is requesting to rezone an approximate 8,925sf lot which is about two tenths of an acre from Hwy Commercial to the RA-40 zoning district. The property is currently undeveloped and has been recombined with an approximate 8 acre track surrounding it to be incorporated as a lot in the Phase 3 of the Juniper Ridge subdivision.

The surrounding area is currently zoned a mixture of commercial and residential as well as the adjacent land use is of commercial and residential uses. The Future Land Use map classifies this area as the Rural Agricultural Land Use Classification which is generally not compatible with the proposed RA-40 zoning district. The Land Use Plan states the primary use of the Rural Agricultural Land Use Classification is to support rural residential life associated with agricultural uses and other rural activities. It further states that major subdivisions of land are strongly discouraged. Although this site is located within the Rural Agricultural Land Use Classification (RALUC), the site is located adjacent to an existing major residential subdivision "Juniper Ridge" and the site has infrastructure available including County Water to support a medium density development. The site is also located near the Town of Taylortown and the Village of Pinehurst, providing practicality, easy access, and reduced travel times to the nearby towns.

The proposed rezoning is compatible with the current land use goals therefore staff recommends the Moore County Planning Board make two separate motions. The first motion will be to adopt or deny the attached Land use Plan Consistency Statement as specified in the Land Use Plan Consistency Statement, a declaration of approval is also deemed an amendment to the Land Use Plan which was originally approved by the BOC September 2017. General Statutes require the declaration to be approved whenever it contradicts an element in the Land Use Plan map, by approval it will automatically update the Land Use Plan map as a medium density Residential Land Use Classification. Therefore going from Rural Agricultural to Medium Density Land Use and the motion to approve statement would need to be included. The second motion would be to recommend approval or denial to the Moore County Board of Commissioners.

Board Member Gilbert inquired about clarification of Phase 3 zoning.

Mrs. Thompson explained under the current zoning which is RA-40 major subdivision are permitted in those districts.

Board Member Matthews inquired if the Planning Board could apply a contingency that the 75 foot buffer as illustrated on the preliminary site plan remains.

Mrs. Thompson explained that the buffer was not a requirement and that process would be handled at the Subdivision Review Board level. The applicant could use the 30% open space requirement as part of the open space and the map provided was only a draft

and not part of the design in Phase 3 and the Planning Board is to only look at the rezoning request.

With no further discussion John Matthews made a motion to adopt the attached Land Use Plan Consistency Statement as specified in the Land Use Plan Consistency Statement, a declaration of approval is also deemed an amendment to the Land Use Plan. The motion was seconded by Board Member Harry Huberth; the motion passed unanimously 7-0.

Board Member John Matthews also made a motion to recommend approval to the Moore County Board of Commissioners of the general use rezoning from Highway Commercial (B-2) to result in the south western portion of an approximate 8.77 acre parcel, being approximately 8,925 square feet, located adjacent to 990 juniper Lake Road and adjacent to Mountain Run Road, being rezoned to Residential and Agricultural-40 (RA-40). The motion was seconded by Board Member Matthew Bradley; the motion passed unanimously 7-0.

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

- Rewrite “Debris management Facility” to include the following facilities: Compost, Yard Waste, Land Clearing & Inert Debris, Mulching, Concrete Recycling, and Sawmills.
- Rewrite “Landfill” to include the following facilities: Municipal Solid Waste Management facility, Construction & Demolition Landfill Facility, Industrial Solid Waste Landfill, & Material Recovery Facility.

Planner Darya Cowick presented to the board there have been some changes to the debris management section in response to an applicant’s inquires to receive an LCID (Land Clearing & Inert Debris Landfill). The current UDO does not have the definition of LCID. These definitions were updated to meet DEQ (Department of Environmental Quality). Prior to an applicant receiving and LCID from DEQ the applicant would need to receive approval from the County.

The County wanted to make sure the definitions mirrors DEQ definitions and the counties have the same approval standards. These changes will bring consistency between local and state regulations and will assist applicants in the permitting process. Moore County staff has worked with the Division of Waste Management during the update process.

Mrs. Cowick highlighted some of the updates and changes to the Unified Development Ordinance as outlined below:

- Consolidated lower intensity debris management land uses in the category of land use facilities. High intensity categories as listed in the table of uses will not be amended nor will they be made more restrictive.
- Items considered as lower intensity debris management uses now match the state standards.

- Compost facilities are biodegradable waste that turns to compost and intended for reuse by the public.
- Yard waste is similar to compost however cannot be sold or intended for public use and 75% of this type of waste will need to be removed from the facility each calendar year.
- LCID language was added due to an inquiry to the shortage within the county.
- Mulching Facility will not change.
- Concrete Recycling Facility was added as a new use to accommodate concrete recycling facilities.
- Sawmills will not change.
- Chapter 8 (Specific Use Standards) , Section 8.104 (landfill) definitions have been added to include MSWF (Municipal Solid Waste Management Facility), C&DLF (Construction and Demolition Landfill Facility), Industrial Solid Waste Landfill and Material recovery Facility.
- Chapter 8 (Specific Use Standards), Section 8.106 (Mulching) has been relocated under debris management facilities.

Mrs. Cowick explained the above was consistent with the goals of the Land Use Plan and recommends the Moore County Planning Board make two separate motions: To adopt the Moore County Planning Board Land Use Plan Consistency Statements and authorize its Chairman to execute the document as required by North Carolina Statute 153A-341. To recommend approval to the Moore County Board of Commissioners of the proposed text amendment to the Moore County Unified Development Ordinance.

Board Member Gilbert inquired about further clarification between yard waste vs. land clearing and inert debris, Mr. Gilbert also inquired whether land clearing debris would be placed in a yard waste facility.

Mrs. Cowick explained to the board land clearing and inert debris applies to when someone is building a new home or subdivision.

Mr. Gilbert indicated that land clearing decomposes over time.

Mrs. Cowick agreed that land clearing does decompose over a longer period of time unlike yard waste from leaves and small limbs. Land clearing would be considered as large trees and possible road removal debris and would be buried in the ground instead of decomposing.

Mr. Hubeth inquired if a permit would need to be obtained from the state or the county prior to having this type of waste facility.

Mrs. Cowick explained this type of facility would need to meet zoning requirements as well as state requirements.

Mr. Huberth wanted to make sure the county was not approving unregulated facilities.

Mrs. Cowick concurred the county would not be approving unregulated facilities.

Chair Nobles added only a few areas within the county per the UDO could be regulated.

With no further discussion Harry Huberth made a motion to adopt the Moore County Planning Board Land Use Plan 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 John Cook; the motion passed unanimously 7-0.

Board Member Bobby Hyman made a motion to recommend approval to the Moore County Board of Commissioner of the proposed text amendment to the Moore County Unified Development Ordinance.

OTHER BOARD MATTERS

No other board matters were discussed.

PLANNING DEPARTMENT REPORTS

Ms. Ensminger provided the board with an upcoming training opportunity for Board Members on April 12th located at the Moore County Ag Building from 1pm-4:30 pm conducted by Adam Lovelady from the UNC School of Government. Ms. Ensminger also provided the board with the upcoming BOC meeting dates and stated the items discussed at the Planning Board meeting will go before the BOC for a Call To Public Hearing on February 6th and the Public Hearing will be on February 20th.

BOARD COMMENT PERIOD

No other board matters were discussed.

ADJOURNMENT

Board Member Bobby Hyman made a motion to adjourn the February 1st, 2018 regular meeting. The motion was seconded by Board Member John Cook and the motion passed unanimously 7-0.

Respectfully submitted by,

Stephanie Cormack