

**MINUTES**  
**MOORE COUNTY PLANNING BOARD**  
**THURSDAY, January 3, 2019 6:00 PM**  
**MOORE COUNTY HISTORIC COURTHOUSE – 2<sup>nd</sup> FLOOR**

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

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

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

**CALL TO ORDER**

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

**INVOCATION**

Board Member John Cook offered the invocation.

**PLEDGE OF ALLEGIANCE**

Board Member Bobby Hyman 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 December 6, 2018
- C. Consideration of Abstentions

Board Member Harry Huberth requested a correction to be made to the December 6, 2018 minutes to include his motion of Public Hearing #6, motion #2 to include language regarding revisiting storm drainage options for future review. Harry Huberth proceeded to make a motion to approve the consent agenda with the intent to modify the minutes as requested. Upon further review of the December 6, 2018 meeting video minutes were

updated to reflect the motion omission on the minutes. The motion was seconded by Board Member John Cook and the motion passed unanimously (6-0).

## **PUBLIC HEARING**

### **Public Hearing #1 – Conditional Use Permit Request Home Occupation Level 2 Farm Equipment Repair Shop-Theresa Thompson**

Planning Supervisor Theresa Thompson presented a request by John Creech for a Conditional Use Permit for a Farm Equipment Repair Shop located at 419 Ellis Ln., West End, NC owned by Betty Shaw per Deed Book 553, Page 893.

Mrs. Thompson went over the item within the packet pointing out the Conditional Use would be for a Level 2 Home Occupation which is allowed in the Rural Agricultural-5 (RA-5) zoning district. Mrs. Thompson explained to the board the definition of Home Occupation as defined in the County's Unified Development Ordinance (UDO).

The property is located adjacent to the Town limits of Taylortown, adjacent land uses include single family residential and undeveloped property. The applicant plans on developing a 40x60 foot workshop on the property as illustrated on the site plan within the packet. The applicant has agreed all specific use standards will be met as specified in the UDO and inspected by county staff to ensure these are met before a Certificate of Occupancy is issued. Specific standards include:

- All repairs and service activity excluding washing will be conducted entirely inside the fully enclosed building.
- There will be a maximum of ten (10) inoperable vehicles stored outside, which will be located in the area identified as parking as illustrated on the site plan within the packet.
- The proposed workshop will be approximately 210 feet from the front property line, 70 feet from the side property line and 160 feet from the rear property line.

The applicant has requested a two year vested rights approval which requires the applicant to receive a zoning permit within the two (2) years upon Conditional Use Permit approval or the permit becomes null and void.

Vice Chairman Garrison opened the Public Hearing; the following people have signed up to speak on behalf to the request.

- Herman Self located at 109 Scaleybark Ct., West End NC spoke against the request having the following concerns regarding public health and safety. Mr. Self is concerned about the increased traffic and the amount of dust the traffic will stir up. The type of gravel and sand located on Ellis Ln. creates silica and can cause a potential lung hazard called Silicosis. Mr. Self is unsure how much silica it would take to cause this health concern.

- William Gunter located at 107 Scaleybark Ct. Taylortown NC spoke against the request with the following concerns in regard to the proposed building location to the property line. Mr. Gunter is concerned about the noise that may be created as well as the increased traffic to Ellis Ln. that is a private road not meant to take the increased traffic. Mr. Gunter is concerned about the amount of dust that may be created by a big truck driving down the road.
- Gregg Currie located at 524 Ellis Ln. West End NC spoke against the request with concern of the amount of traffic that will increase on the road. Mr. Currie and one other property owner currently maintain Ellis Ln. with no assistance from the other property owners.
- Mike Hopkins located at 500 Ellis Ln. West End NC spoke against the request with the following concerns. Mr. Hopkins is concerned about the road however feels the amount of contaminants spilt on the ground can cause issues to the ground water. Mr. Hopkins has concerns regarding noise caused by an air impact wrench that will be used when working on tractors that can be heard from his house, he is also concerned about the view of a metal building that will be in view of his home. Mr. Hopkins is one of the two residents that maintain the road and is concerned about the extra traffic.
- Rebecca Hopkins located at 500 Ellis Ln. West End NC spoke against the request with the following concerns. Mrs. Hopkins is concerned about the road condition, size of the commercial building that will be placed on the property as well as noise generated by this business. Mrs. Hopkins provided pictures for the board to review attached as Exhibit A.
- Debra Barber located at 105 Scaleybark Ct. West End NC spoke against the request agreeing with her neighbors' comments and concerns adding that her home is the closest and does not want this in her back yard.

The applicant John Creech did not sign up to speak however was asked upon the chair if he had any comments.

- John Creech located at 15 McLean Rd. Pinehurst NC informed the board his business was given to him by his father years ago, he is currently working on tractors for a living. Mr. Creech would like to have a place of his own to work on tractors and make a living to support his family. Mr. Creech mentioned he would help with the road maintenance as he does have the means to help maintain the road.

Board Member Huberth inquired if Mr. Creech would have employees that would work on site which could potentially increase traffic on the road, Mr. Huberth also inquired about the hours of operation. Mr. Creech mentioned he would not have employees and most of the time would be working 8-5 adding most of his work being in the field. He added approximately 3 hours a day would be in his shop so noise would be limited and may not be heard on the outside. Mr. Huberth confirmed with Mr. Creech he would assist with road maintenance and recommended a road maintenance agreement between neighbors. Mr. Creech agreed he would assist with the road maintenance as he does have

a tractor to assist. Mr. Creech also commented the amount of traffic would be limited as most of his work would be in the field.

William Gunter located at 107 Scaleybark Ct. Taylortown NC approached the podium who spoke against the request asking the Planning Board to consider the future of Moore County and if commercial is allowed in the area what happens if future request are received.

Vice Chair Garrison explained this is a Conditional Use Permit request for this specific property and if future request come forth they would have to go through the same process and any future request would be on a case by case situation.

Board Member Huberth explained the Conditional Use would be tied to a tractor repair shop and would not apply to other commercial uses.

Rebecca Hopkins located at 500 Ellis Ln. West End NC approached the podium who spoke against the request inquired what would happen if Mr. Creech business should grow and he should have employees. Mrs. Hopkins is concerned the amount of noise that might be created by having employees. Mrs. Hopkins is also concerned about the size of building and how it would affect future home values.

Board Member Cook inquired if Mr. Creech would live on the property. Mr. Creech confirmed he would live on the property.

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

Board Member Huberth made a motion to recommend approval to the Moore County Board of Commissioners of the Conditional Use Permit for a Home Occupation Level 2 Farm Equipment Repair Shop located at 419 Ellis Lane in West End.

Before any board members seconded the motion Mrs. Thompson mentioned the two (2) conditions Mr. Creech put in place, work hours would be 8-5 Monday through Friday with no employees.

Mr. Creech confirmed he has agreed to these conditions.

Board Member Huberth modified his motion to recommend approval to the Moore County Board of Commissioners of the Conditional Use Permit for a Home Occupation Level 2 Farm Equipment Repair Shop located at 419 Ellis Lane in West End with the following conditions, hours of operation will be Monday through Friday 8-5 having no employees. The motion was seconded by Board Member John Matthews; the motion passed unanimously 5-1, Matthew Bradley opposed.

## **PLANNING DEPARTMENT REPORTS**

Planning Director Debra Ensminger informed the board regarding a staff update. Darya Cowick has moved to South Carolina and is no longer with the county.

Ms. Ensminger provided an updated to the board regarding the approved items brought to the December Planning Board informing them that the West End School item has been pulled from the Board of Commissioners agenda and will not move forward at this time.

## **BOARD COMMENT PERIOD**

Board Member Bradley inquired what would be the best way to impose a condition. Ms. Ensminger explained the applicant would have to agree to any conditions that are requested as we cannot impose conditions if they do not agree to them, the only thing the applicant is required to meet are the ordinance requirements.

Board Member Huberth inquired if there was any way the county could enforce the use of a road maintenance agreement between the homeowners. Ms. Ensminger explained even if there was a road maintenance agreement between the homeowners this would not be something the county could enforce and if there were issues between the homeowners not upholding the agreement it would be more of a civil matter.

Board Member Bradley inquired if a board member made a motion to deny a request explaining why their reasoning for denial did not meet the four findings of fact could a request be denied on that reasoning. Ms. Ensminger explained as long as the reasoning was based on fact and not opinion it could be denied.

## **ADJOURNMENT**

With no further comments Board Member Bobby Hyman made a motion to adjourn the January 3, 2019 regular meeting. The motion was seconded by Board Member John Cook and the motion passed unanimously 6-0.

Respectfully submitted by,

Stephanie Cormack