

MINUTES
MOORE COUNTY PLANNING BOARD
THURSDAY, March 7, 2019 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd FLOOR

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

Board Members Absent: Matthew Bradley, John Cook

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

CALL TO ORDER

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

INVOCATION

Board Member David Lambert offered the invocation.

PLEDGE OF ALLEGIANCE

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

MISSION STATEMENT

Board Member John Matthews 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 February 7, 2019
- C. Consideration of Abstentions

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

PUBLIC HEARING

Public Hearing #1 – Conditional Rezoning Request Rural Agricultural (RA) to Multi-Family Conditional Zoning (MF-CZ) -Theresa Thompson

Planning Supervisor Theresa Thompson presented a request by John O'Malley requesting conditional rezoning from Agricultural (RA) to Multi-Family Conditional Zoning (MF-CZ) for a 232 unit multi-family development and accessory Par3 golf course on 3 parcels (ParID 00054238, 00047968, 20110028) which totals to approximately 177.68 acres, located south of the Town of Pinebluff on US Hwy 1 and adjacent to Persimmon Dr., Waxmyrtle Ct., Ryder Cup Blvd., Masters Way, Ernie Dr. N., Black Cherry Way, Laurel Oak Ln., Felix Dr., Folley Dr., Simmons Ln., Clyburn Ln., Teresa Ln., and Gillespie St., owned by Steel Form Equipment Company, LLC per Deed Book 5071, pages 72-85 and Deed Book 5071, Page 86-89.

Mrs. Thompson went over the items within the packet pointing out to the board the golf course previously known as the Bluffs was subdivided prior to zoning. The golf course is currently not in use and has been purchased by the applicant to develop a portion of the golf course as a multi-family development. The applicant is proposing 232 units each being 2 bedroom; 1,600 square feet; units would range from 2 to 6 unit buildings. The applicant will be required to build the units based on the drawings as presented within the agenda packet. Each unit would be served by a private garbage pickup which includes dumpsters. As shown in the overall site plan within the packet the following buildings would remain: clubhouse, cart house and maintenance building, renovations and improvements to these buildings would be on an as needed basis. The applicant would construct easements to roads to North Carolina Department of Transportation (NCDOT) subdivision roads minimum construction standards, all roads and parking area will be constructed using asphalt. The applicant opted for this type of zoning which requires a site specific development plan which is located within the agenda packet and can only be constructed to what is included in those plans. Any future changes to the plans would require the applicant to go through the rezoning approval process. Adjacent properties include single family residential, condominium, a carpet fabric manufacturer and undeveloped property. The property is located adjacent to the Town of Pinebluff ETJ, approximately one (1) mile from the Town of Pinebluff city limits, approximately 3 miles from the Town of Aberdeen city limits, and approximately 4 miles from the Town of Southern Pines city limits. The property is located within a high quality water district and would require a storm water permit. The property is not located within ½ mile of a voluntary agriculture district however; a small portion on the northern tip is located within ½ mile of a voluntary agriculture district. The applicant will provide public water through the Town of Pinebluff and public sewer through the Town of Pinebluff with a use agreement in place with the Town of Southern Pines. The applicant will work with the US Fish and Wildlife as the property is located within a red-cockaded woodpecker area. The property is located within a designated wetland area and will be working on obtaining wetland delineation. The applicant has met with NCDOT and would be required to install turning lanes. Mrs. Thompson also went over how the property is consistent with the 2013 Moore County Land Use Plan as noted within the agenda

packet. Mrs. Thompson pointed out in addition to the goals outlined within the packet the request is also consistent with Action 2.3.2 Encourage the location of recreational facilities close to residential areas and transportation nodes to increase public awareness and accessibility to these facilities and Recommendation 5.1 Properly plan for and accommodate a variety of affordable housing types. In addition to the screening requirement outlined within the agenda packet Mrs. Thompson mentioned exterior property lines not abutting the golf course will include a type 3 screening which includes a 20 foot wide buffer with 15 trees and 15 shrubs per 100 linear feet, pPlants will be supplemented where deficiencies are shown on existing vegetative buffers. The applicant is also proposing to install a type 2 buffer which is an evergreen hedge planted no more than 4 feet apart with a minimum of 5 feet in height at the time of planting. Per the site plan any existing trees shall be preserved as much as possible in order to keep the natural buffer as much as possible.

Board Member Garrison inquired about the existing homes located on the golf course. Mr. Garrison asked how proposed setback requirements would affect them.

Mrs. Thompson explained to the board properties not abutting the golf course as shown on the site plan are located along the wider, thicker 50 foot buffer and closer to the golf course area shows a 20 foot buffer, the applicant feels the current buffer offsets the buffer as there is a golf course in between.

Board Member Lambert confirmed the applicant is not asking for less than 50 foot buffer from the residential structures but are asking for less than 50 feet from the property line.

Mrs. Thompson confirmed Board Member Lamberts comment.

Mrs. Thompson explained to the Board due to feedback received during a community meeting held on February 20th, 2019, the applicant made the following modifications to the site plan:

- 1) Proposed entrance to Erfie Dr. at Ashford Castle Dr. Extension was eliminated.
- 2) Exterior setbacks were changed to 50 feet to include repositioning building locations to meet the 50 foot setback.
- 3) Land shown as the proposed Blarney Way will be listed as open space natural area.
- 4) Existing grave site located will be preserved between Iris Green Way and N. Adare Manor Ct.

Phase 1 site plan was updated to reflect the modifications and was provided to the board for view; attached as “Exhibit A”.

Board Member Garrison asked for further clarification regarding the process as to when the wetland delineation should be obtained.

Mrs. Thompson explained all wetland delineations and Red-Cockaded woodpecker studies should be obtained prior to the Board of Commissioner meeting. The applicant has requested these studies however, were not completed in time for the Planning Board meeting. Mrs. Thompson explained once the wetland study is completed and if it should show if wetlands are noted compared to the site plan, then any buildings located in a wetland area would need to be removed and the site plan would need to be updated. The current site plan did take potential wetlands into consideration and accounted this area as open space, if for some reason the wetland delineation is not completed prior to the Board of Commissioner meeting staff could allow for minor plat modifications without going for board approval.

Board Member Lambert inquired what the normal process would be for public infrastructure in an area and how it is determined if the need should be expanded and the cost associated.

Mrs. Thompson explained the applicant met with the Town of Pinebluff and Town of Southern Pines to go over the logistics.

Board Member Lambert inquired how zoning, fire and rescue play into this scenario.

Mrs. Thompson explained developments are usually developed within a fire rescue area and was unsure if the applicant has had any discussion with the associated towns.

Board Member Huberth inquired why Phase 7 does not have a site plan attached in the packet.

Mrs. Thompson explained nothing would be built in Phase 7 as it would remain open area and the only buildings as presented on the site plan would be allowed and the applicant would not be able to deviate from the plans as submitted in the packet.

Board Member Huberth commented on the school capacity and if they would be able to handle an increase of students.

Mrs. Thompson explained that would be at the discretion of the board if they feel school capacity could be an issue.

With no further questions/comments from the board Chairman Nobles opened the Public Hearing and asked if the applicant had any comments.

John O'Malley introduced himself as the applicant and purchased the property formally known as the Bluffs. Mr. O'Malley informed the board he owns several properties, buildings and business in Moore County. Mr. O'Malley explained the property would be used to house families who make three times the monthly rent amount and an extensive background check is conducted on those families to include credit, criminal, sex offender etcetera and plans to build a quality building that will be efficient to the tenant. Mr.

O'Malley expressed to the board the lift station located on the property would provide sufficient sewer for his units and there is adequate water in the area to support the units.

Board Member Garrison asked Mr. O'Malley if he would be maintaining the roads in his development to include, entrances, existing roads and new roads.

Mr. O'Malley confirmed he would only be maintaining new roads they build.

Jeff Barczak with Barczak Engineering approached the podium to address the road concern. Mr. Barczak explained access is currently on Ryder Cup which is owned by Mr. O'Malley and Persimmon Dr. to Hwy 1 will be maintained by Mr. O'Malley. Mr. Barczak explained they are working with the Department of Transportation and would be required to improve the entrances off Hwy 1.

Mr. O'Malley confirmed any roads they use he would maintain however, there is an easement located by the hotel and Mr. O'Malley would expect the hotel to maintain that area.

Board Member Garrison asked Mr. Barczak for further information regarding the water pressure issues as mentioned in the report provided in the packet. Mr. Garrison expressed concern as there are current water pressure issues in that area.

Mr. Barczak explained the water main that serves the hotel was tested for pressure and did not have good results, there was one fire hydrant located at the end of Felix Dr. and Persimmon Dr. owned by the Town of Southern Pines which showed positive results and would provide plenty of flow for the development

Board Member Lambert revisited his question for Mr. Barczak regarding his inquiry about fire and rescue as noted above to Mr. O'Malley.

Mr. Barczak explained he was not able to answer his question regarding impact and would have to look further into his inquiry and noted with the improvement of roads it would directly assist fire and rescue access to homes more effectively.

Board Member Lambert inquired if there was any communication between Moore County School and what potential impact the development could have on the school system.

Mr. Barczak explained there had not been any communication with Moore County Schools and if you compare this type of development to Tyler's Ridge their data has shown not to have many school age children living in their buildings.

With no further questions from the board the following people spoke on behalf of the Public Hearing.

- Matt Marchetti - 157 Laurel Oak Ln. Pinebluff; HOA president for the Pines Subdivision spoke against the request
- Justine Rafique-Bhatti - 103 Laurel Oak Ln. Pinebluff; spoke against the request
- Laura Bischke - 114 Ryder Cup Blvd. Pinebluff; spoke against the request
- Richard Bischke - 114 Ryder Cup Blvd. Pinebluff; spoke against the request
- Howard Beal - 128 Ryder Cup Blvd. Pinebluff; spoke against the request
- Nancy Mellone - 200 Persimmon Dr. Pinebluff; spoke against the request
- Ann Mutter- 186 Laurel Oak Ln. Pinebluff; spoke against the request
- Philip Holmes - 133 Laurel Oak Ln. Pinebluff; spoke against the request
- Eric Torres - 148 Laurel Oak Ln. Pinebluff; spoke against the request
- Lynn Goldhammer - 11 Salem Ln. Pinehurst; spoke against the request
- Mike Froy - Laurel Oak Ln. Pinebluff; spoke against the request
- David Howard - 3081 US Hwy 1, Vass; Construction Manager of the project spoke in support for the request
- Lilly Mitchell - 186 Laurel Oak Ln. Pinebluff; spoke against the request
- Justin Schaad – Raleigh; Business Partner with John O’Malley spoke in support for the request
- John Bright – 639 Addor Rd. Pinebluff; spoke against the request
- Cindy Santiago – 151 S. Erfie Dr. Pinebluff; spoke against the request
- Kia Brooks – 111 Laurel Oaks Ln. Pinebluff; spoke against the request
- Walter Hildreth – 191 Erfie Dr. N. Pinebluff; spoke against the request
- Iris Rodriquez – 250 persimmon Dr. Pinebluff; spoke against the request

Mr. O’Malley approached the podium informing the board he has committed to maintain the golf course in areas where homes that back up too keeping the area mowed.

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

Board Member Gilbert asked Mr. O’Malley for further clarification regarding his marketing and who he felt his target demographic would be for the development.

Mr. O’Malley explained his target demographic would be those who would make three times the monthly rent amount and anticipates each home would be approximately \$1,150 a month.

Board Member Huberth explained to Mr. O’Malley if approved he would be locked into a Par3 golf course and wanted to make sure he understood his obligations.

Mr. Barczak explained the timeline of the golf course would depend on funds that come in based on rental occupancy and could not comment as to which phase the course would be built.

Board Member Huberth explained if approved the project would be vested within five (5) years and would need to be built based on the conditions.

Mrs. Thompson explained to the board there would be no requirement for the golf course to be completed or tied to a phase due to the possibility of a future phase not coming to fruition. Mrs. Thompson also explained vesting would mean the development would need to start before the expiration term of the five (5) years, once started within the five (5) year timeframe the project could extend beyond five (5) years for completion. Mrs. Thompson informed the board a condition could be in place regarding the golf course as long as the developer agreed to the condition.

Mr. Barczak informed the board if a condition would be requested Mr. O'Malley has agreed to improve the golf course after completion of phase 3 and before phase 4 begins.

With no further comments Board Member Joe Garrison made a motion to 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. The motion was seconded by Board Member John Matthews; the motion passed unanimously 7-0 for denial.

Board Member Joe Garrison made a motion to recommend denial for a five (5) year vesting to the Moore County Board of Commissioners for the Conditional Rezoning request from Rural Agricultural (RA) to Multi-Family Conditional Zoning (MF-CZ), for a 232 unit multi-family development and accessory Par3 golf course, on 3 parcels (ParID 00054238, 00047968, 201100278) which totals to approximately 177.68 acres, located south of the Town of Pinebluff on US Hwy 1 and adjacent to Persimmon Dr., Waxmyrtle Ct., Ryder Cup Blvd., Masters Way, Erfie Dr. N., Black Cherry Way, Laurel Oak Ln., Felix Dr., Folley Dr., Simmons Ln., Clyburn Ln., Teresa Ln., and Gillespie St., owned by Steel Form Equipment Company, LLC. The motion was seconded by Board Member David Lambert; the motion passed unanimously 7-0 for denial.

Planning Director Debra Ensminger informed the board the item would go before the Board of Commissioners on April 2nd for the Call To with the Public Hearing will be held on April 16th.

Board Chair Nobles thanked Mr. O'Malley for what his is trying to do however does not feel the location was the best choice for this project.

PLANNING DEPARTMENT REPORTS

Ms. Ensminger reminded the board of the upcoming Planning Board Meeting held on April 4th.

BOARD COMMENT PERIOD

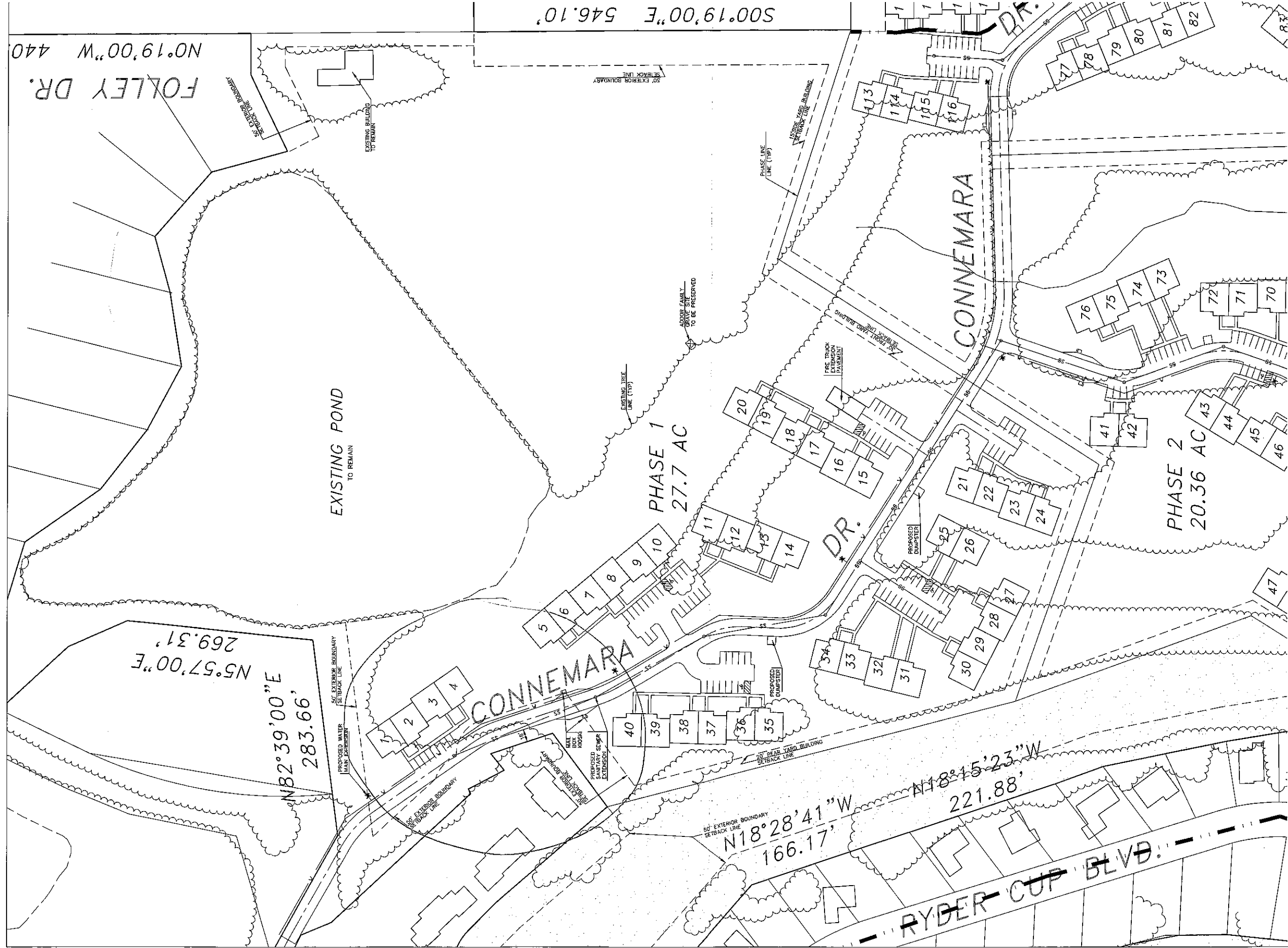
Minor discussion was held between the board members as they all felt this was a good vision however, not the best location for this type of project.

ADJOURNMENT

With no further comments Board Member Joe Garrison made a motion to adjourn the March 7, 2019 regular meeting. The motion was seconded by Board Member Bobby Hyman and the motion passed unanimously 7-0.

Respectfully submitted by,

Stephanie Cormack

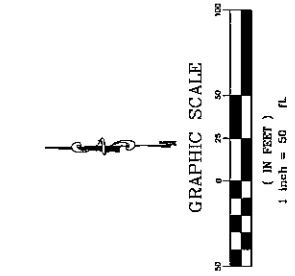


PROPOSED SETBACKS:
 50' EXTERIOR BOUNDARY SETBACK LINE
 PHASE LINE SETBACKS:
 30' FRONT YARD
 15' SIDE YARD
 20 FOOT REAR YARD

NOTE: TREES AND TREE LINES SHALL BE PRESERVED AS EXISTING AND POSSIBLY BE USED AS A NATURAL BUFFER AREAS SURROUNDING THE PROPERTY.

MINIMIZING THE EXTENT OF DISTURBING THESE AREAS WILL BE SHOWN ON AN APPROVED GRADING PLAN PREPARED BY A REGISTERED ENGINEER IN THE STATE OF NORTH CAROLINA.

WETLAND DELINEATION AND WOODPECKER STUDY MUST BE COMPLETED BEFORE ANY CONSTRUCTION ACTIVITIES BEGIN



DATE	BY	REVISIONS
11/07/18	J.A.B.	
02/27/19	J.A.B.	
02/15/19	J.A.B.	
02/27/19	J.A.B.	
03/07/19	J.A.B.	
03/07/19	J.A.B.	

FIRM P-1808 DRAWING NO. C2181580
BARCZAK ENGINEERING SERVICES PLLC.
 2522 Trade Park Ln Raleigh, NC 27607
 PH: 404-459-4885 EMAIL: barczakeng@barczakeng.com

TOWN OF PINE BLUFF, NC
 ENGINEERING DEPARTMENT

PHASE 1
 O'MALLEY VILLAGE

SCALE: HORIZ. 1" = 50'
 DESIGNED BY: JEFFREY BARCZAK | DRAWN BY: JAM | CHECKED BY: JAB
 JOB NO.: C2181580 | DATE: 10/24/18
 APPROVED BY: [Signature] | City Engineer | Date: [] | PAGE 1 OF 6