

MINUTES
MOORE COUNTY PLANNING BOARD
THURSDAY, APRIL 4, 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, Matthew Bradley, John Cook

Board Members Absent: None

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 Joe Garrison offered the invocation.

PLEDGE OF ALLEGIANCE

Board Member Harry Huberth 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 March 7, 2019
- C. Consideration of Abstentions

Board Member Joe Garrison made a motion to approve the consent agenda with an amendment to remove items 3 and 4 from the meeting agenda. The motion was seconded by Board Member Jeffrey Gilbert and the motion passed unanimously (9-0).

PUBLIC HEARING

Public Hearing #1 – General Use Rezoning from Residential and Agricultural-40 (RA-40) to Highway Commercial (B-2) - Theresa Thompson

Planning Supervisor Theresa Thompson presented a request by Tri City, Inc. c/o Neil Robinette requesting a General Use Rezoning from Residential and Agricultural-40 (RA-40) to Highway Commercial (B-2) of the eastern portion, being approximately 35.73 acres, of an approximate 53.57 acre parcel located at 4691 NC Hwy 211 adjacent to the intersection of Love Grove Church Rd. and NC Hwy 211 owned by Bradford Pusser, Carol Overton and Other, per Deed Book 2108E Page 578.

Mrs. Thompson went over the items within the packet pointing out to the board the property is located approximately ½ from the Seven Lakes Business District and the applicant is aware of the NC Hwy 211 widening project. The surrounding properties are zoned a mixture of Rural Agricultural-5, Rural Agricultural-40, Rural Agricultural-20, Highway Commercial and Gated Community Seven Lakes.

Mrs. Thompson explained to the board in addition to the Moore County Land Use goals listed within the packet this request is also consistent with Action 1.8.5: Support and promote infill development that will optimize the use of existing infrastructure and Recommendation 3.4: Encourage development in areas where the necessary infrastructure (roads, water, sewer, and schools) are available, planned or most cost-efficiently be provided and extended to serve development. In addition to the Land Use Plan the county created a small area A Plan back in 2008 to help guide growth to the Eagle Springs, Jackson Springs and Seven Lakes area.

Board Member Huberth made mention the property appeared to be on the west side and not the east side as mentioned.

Mrs. Thompson agreed with Mr. Huberth.

The applicant Neil Robinette, CEO approached the podium to speak to the board. Mr. Robinette informed the board they are based out of Rockingham and have an office in Pinehurst and provided background about the company. Mr. Robinette feels the Seven Lakes area has a need for additional commercial; their plan is for smaller out parcels to start as they are not in a rush and want to see what future demand needs will be for a growing community.

Designer Bob Koontz with Koontz Jones Design approached the podium and went over the site plan as presented in the agenda packet noting a wetlands study was completed and there are wetlands located on the property, however they do not plan to build in that area so it should not be an issue. Also mentioned there were no endangered species identified during the endangered species study. Mr. Koontz also mentioned they have been working with a soil scientist as there is not sewer available and they would be utilizing individual septic systems. Also mentioned they have been working with

NCDOT regarding access options and are aware of the upcoming widening project as it will affect some of the property. A fire flow test has been completed and identified sufficient water flow for the development. Conversations with Moore County Schools have been conducted and neither party feel there would not be a conflict with the development as the school peak traffic hours would be different than commercial peak traffic hours. The developer have meet with several organizations in the Seven Lakes area and feel the overall conversations we positive.

Board Member Huberth inquired if there would be any storm water run-off issues as the property appears to be in two different river basins.

Mr. Koontz explained they would have to work through this as it will depend on NCDOT and the changes in the future road work but do not anticipate any issues.

With no further questions from the board, Chairman Nobles opened the Public Hearing; the following people spoke on behalf of the Public Hearing.

- Kelly White – 100 Shropshire Ct. Seven Lakes South; spoke against the request.
- Terri Cheechov – 101 Shropshire Ct. Seven Lakes South; spoke against the request.
- Lynelle Smith – Love Grove Church Rd.; spoke against the request.
- Rob Ansley – 12 Pinewood Ct. Seven Lakes North; President of the Seven Lakes North/South association neither for nor against requesting further discussion with the applicant.

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

Board Member Matthews inquired if there had been any discussion regarding a stop light in the area by the schools as traffic could be an issue.

Mr. Koontz explained a TIA has not been completed, once completed NCDOT would provide recommendations.

Board Member Gilbert asked for further clarification on the restriction related to the rezoning.

Ms. Thompson explained uses in the B-2 zoning district would have to follow what is outlined in the Unified Development Ordinance; minor deviations could be approved at an administrative staff level however shopping centers fall under conditional rezoning uses and would have to go back before the board for any modifications.

With no further comments Board Member Joe Garrison made a motion to adopt the attached 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. 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 David Lambert; motion passed unanimously 9-0 for approval.

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-40 (RA-40) to Highway Commercial (B-2) of the western portion, being approximately 35.73 acres, of an approximate 53.57 acre parcel, located at 4691 NC Hwy 211, adjacent to the intersection of Love Grove Church Rd and NC Hwy 211. The motion was seconded by Board Member John Matthews; motion passed unanimously 8-1 for approval; Board Member John Cook being opposed.

Public Hearing #2 – Conditional Rezoning from Residential and Agricultural-40 (RA-40) & Highway Commercial (B-2) to Highway Commercial Conditional Zoning (B2-CZ) - Theresa Thompson

Planning Supervisor Theresa Thompson presented a request by Justin Schaad requesting a Conditional Rezoning from Residential and Agricultural-40 (RA-40) & Highway Commercial (B-2) to Highway Commercial Conditional Zoning (B2-CZ) for a shopping center, located on 3 properties: ParID 00022786 (app. 1.48 acres), ParID 00991845 (app. 4.6 acres), and ParID 00022787 (app. 4.01 acres) the total being approximately 10.09 acres, located at 132 Juniper Lake Road, adjacent to the intersection of Juniper Lake Road and US Hwy 15-501, owned by John McKenzie (ParID 00022786, Deed Book 4647 Page 309), Robin McKenzie (ParID 00991845, Book 762 Page 55), and Carolyn McKenzie (ParID 00022787, Deed Book 2018 E Page 70 and Book 266 Page 237).

Mrs. Thompson went over the items within the packet informing the board the applicant is proposing to use public sewer and public water provided by Moore County. Mrs. Thompson informed the board the property is located in the Nicks Creek watershed district which limits non-residential development to 24% built upon area anything above that would require a Special Non Intensity Allocation approval (SNIA). Also mentioned once a TIA has been completed NCDOT may require a turning lane, light signal or combination of both. The applicant has met with the Village of Pinehurst to discuss specific Village standards the Village would like the applicant to adhere too; email from the Village attached as “Exhibit A” regarding their discussion. Mrs. Thompson explained to the Board they can request conditions be met as long as the applicant agrees to those conditions. Mrs. Thompson also went over the zoning district compatibility as outlined within the packet mentioning the request would place compatible uses within the area.

Mrs. Thompson noted in addition to the Moore County Land Use goals listed within the packet this request is also consistent with Action 1.8.5: Support and promote infill development that will optimize the use of existing infrastructure and Recommendation 3.4: Encourage development in areas where the necessary infrastructure (roads, water, sewer, and schools) are available, planned or most cost-efficiently be provided and extended to serve development.

Board Member Matthew inquired why the Village of Pinehurst had any say regarding about this case as it does not fall in their jurisdiction.

Mrs. Thompson explained to the board whenever a project is located close to any municipality the county encourages the applicant to discuss with that jurisdiction.

Board Member Garrison asked for clarification when the Traffic Impact Analysis (TIA) should be completed.

Mrs. Thompson explained to the board a TIA is required by NCDOT and would be included in the driveway permit and would be required prior to issuing any building permits.

The applicant Justin Schaad, approached the podium to speak to the board. Mr. Schaad explained he is looking at building a community market to support the surrounding areas. There are no current tenants selected as he is seeking community input to best meet their needs.

Jeff Barczak, Barczak Engineering Services approached the podium. Mr. Barczak spoke regarding entrance options on 15/501 and Juniper Lake Rd. mentioning a TIA will be conducted per NCDOT requirements and could change the entrances as shown on the provided site plan.

Board Member Garrison inquired if there were any communications with First Health Hospice.

Mr. Schaad mentioned there had been communication with First Health Hospice and their biggest concern was the needed improvements to the intersection.

With no further questions from the board, Chairman Nobles opened the Public Hearing; the following people spoke on behalf of the Public Hearing.

- Jane Hogeman - read a letter provided by Kaye Pierson (45 Brandon Trail, Pinehurst) against the request.
- Jane Hogeman - 18 Lochdon Ct. Pinehurst; spoke against the request.
- Sherry Locklear - Beulah Hill Church Rd. West End; spoke against the request.
- Sergio Bradford - 155 Juniper Lake Rd. West End; spoke against the request.
- Fred Smith - Randolph Electric/Utilities; spoke in favor of the request.
- Ron Whitley - First Health of the Carolinas Hospice; spoke in favor of the request.
- Jacob Kirby - 220 National Dr. Pinehurst; spoke in favor of the request.
- Ken Schmidt - Christ Community Church; spoke in favor of the request.
- John O'Malley - 40 Beckett Ridge, Pinehurst; spoke in favor of the request.
- Bo Bozarth - Pinehurst #6; spoke in favor of the request.
- Alan Oldham - 324 Juniper Lake Rd.; West End; spoke against the request.
- Carl Nagel - owns adjacent property off 15/501; spoke in favor of the request.

- Steve Carrico - 187 Juniper Lake Rd. West End; spoke in favor of the request.

Board Member Huberth asked for clarification on the proposed site plan.

Mr. Barczak explained the proposed site plan size is 10.09 acres.

Board Member Gilbert inquired about the property located at the corner of 15/501 and Juniper Lake Rd.

Mr. Shaad explained the property is located in the Village of Pinehurst zoning jurisdiction and not part of the request; however they have had conversations with the current owners about potential future options of ownership.

Board Member Lambert confirmed with the applicant they are willing to comply with all conditions as outlined within the email provided to staff by the Village of Pinehurst as mentioned previously in the meeting.

Mr. Shaad confirmed they would be willing to comply with all conditions as noted in the email from the Village of Pinehurst.

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

With no further comments Board Member Joe Garrison made a motion to adopt the attached 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. 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 David Lambert; motion passed unanimously 9-0 for approval.

Board Member Joe Garrison made a motion to recommend approval to the Moore County Board of Commissioners of the Conditional Rezoning from Residential and Agricultural-40 (RA-40) & Highway Commercial (B-2) to Highway Commercial Conditional Zoning (B2-CZ), for a shopping center, located on 3 properties: ParID 00022786 (app. 1.48 acres), ParID 00991845 (app. 4.6 acres), and 00022787 (app. 4.01 acres) the total being approximately 10.09 acres, located at 132 Juniper Lake Road, adjacent to the intersection of Juniper Lake Road and US Hwy 15-501 with the following three (3) conditions.

1. Moore County and the applicant will allow the Village of Pinehurst to provide comments to the County on proposed elevation drawings and material lists prior to the issuance of any County permits.
2. The applicant will provide landscaping within the parking area and perimeter of parking areas in accordance with Village parking area landscaping standards identified in Section 9.5.1.4 of the Pinehurst Development Ordinance.

3. The applicant will provide a 30 foot landscape buffer on the site where the site has direct road frontage on Juniper Lake Rd. and US Hwy 15-501 and a 20 foot landscape buffer along the remaining perimeter of the site, in accordance with the planted buffer standards identified in Section 9.5.1.2 of the Pinehurst Development Ordinance.

The motion was seconded by Board Member John Matthews; motion passed unanimously 9-0 for approval.

PLANNING DEPARTMENT REPORTS

Ms. Ensminger reminded the board of the upcoming Planning Board Meeting held on May 2nd.

BOARD COMMENT PERIOD

There are no board comments.

ADJOURNMENT

With no further comments Board Member Hyman made a motion to adjourn the April 4, 2019 regular meeting. The motion was seconded by Board Member Garrison and the motion passed unanimously 9-0.

Respectfully submitted by,

Stephanie Cormack

Theresa Thompson

From: Natalie Dean Hawkins <nhawkins@vopnc.org>
Sent: Wednesday, April 3, 2019 6:24 PM
To: Debra Ensminger; Theresa Thompson
Cc: Jeff Sanborn; Nancy R. Fiorillo; John Bouldry; Alex Cameron; justin@jkschaad.com; john.omalley@omalleyinvestments.com
Subject: Hwy 15-501/Juniper Lake Rd Project - VOP and Applicant Meeting

Dear Debra and Theresa,

This afternoon, Village staff and two Village Council representatives met with Mr. John O'Malley and Mr. Justin Schaad, the applicant for the conditional rezoning at Hwy 15-501 and Juniper Lake Road, to discuss the project and the Village's development standards. Mr. Schaad shared his concept of a "Neighborhood Market" for the site. Village staff and the two Council members present all agreed that we are generally supportive of the concept of a neighborhood market in this vicinity.

We truly appreciate you providing us with the opportunity to work collaboratively with the County and the applicant on this project. Today, we had a very good discussion with Mr. Schaad about three specific Village standards we would like to see the applicant and the County agreed to as conditions of the rezoning request. The three conditions the Village proposes for the applicant and the County's consideration, include:

1. Moore County and the applicant will allow the Village of Pinehurst to provide comments to the County on proposed elevation drawings and material lists prior to the issuance of any County permits.
2. The applicant will provide landscaping within the parking area and at the perimeter of parking areas in accordance with Village parking area landscaping standards identified in Section 9.5.1.4 of the Pinehurst Development Ordinance.
3. The applicant will provide a 30 foot landscape buffer on the site where the site has direct road frontage on Juniper Lake Rd and US Hwy 15-501 and a 20 foot landscape buffer along the remaining perimeter of the site, in accordance with the planted buffer standards identified in Section 9.5.1.2 of the Pinehurst Development Ordinance.

Although we discussed other Village development standards with the applicant today, the three listed above were the key standards that the Village and the applicant discussed. Mr. Schaad indicated to us today that he would agree to conditions #1 and #2 above. While Mr. Schaad indicated he would need to speak with his engineer before he could agree to condition #3, or the 30 foot buffer requirement along US Hwy 15-501, he was generally receptive to this condition. We did not discuss the specifics of the two Pinehurst Development Ordinance sections referenced above, but this is where our standards are identified. Of course, these three conditions can be worded as you and the applicant see fit. The wording of the proposed conditions above was primarily intended to reflect our discussion today.

We also discussed road access and think that the site is best accessed from both US Hwy 15-501 and Juniper Lake Road.

It was a pleasure to meet Mr. Schaad and Mr. John O'Malley and I think they will agree that this is an accurate summary of our conversation today. Should you or the applicant have any follow up questions or need any additional information, please don't hesitate to reach out to me or Alex Cameron.

Natalie Dean Hawkins
Assistant Village Manager for Administration