The Moore County Planning Board convened for a regular meeting at 6:00pm, Thursday, June 4, 2020. Due to the COVID-19 State of Emergency, the meeting was hosted electronically via WebEx.

**Board Members Present (all electronically):**
Joe Garrison (Chairman), Harry Huberth (Vice Chairman), Bobby Hyman, Jeffrey Gilbert, Matthew Bradley, Eddie Nobles, John Matthews, John Cook

**Board Members Absent:** None

**Staff Present (all electronically):**
Debra Ensminger, Planning Director, Tron Ross, Associate County Attorney, Theresa Thompson, Planning Supervisor, Dervin Spell, Planner, Stephanie Cormack, Administrative Officer

**CALL TO ORDER**

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

**INVOCATION**

Chairman Joe Garrison offered the invocation.

**PLEDGE OF ALLEGIANCE**

Chairman Joe Garrison led in citing of the Pledge of Allegiance.

**MISSION STATEMENT**

Secretary to the Board Stephanie Cormack 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 5, 2020  
   C. Consideration of Abstentions

Chairman Garrison informed the board of a modification to the agenda, Public Hearing #1 at the request of the applicant this item has been removed from tonight’s agenda and will be heard at the July Planning Board Meeting.
Vice Chair Harry Huberth made a motion for approval of the consent agenda with the removal of item #1 from the agenda; Board Member Jeffrey Gilbert seconded the motion, the motion was held via role call; passed unanimously 6-0. John Matthews was not present via roll call at time of vote and John Cook was having technical issues and was dropped from the meeting at 6:16pm.

PUBLIC HEARING

Public Hearing #1 – Conditional Rezoning Request: Residential and Agricultural-40 (RA-40) to Highway Commercial Conditional Zoning (B2-CZ) -Retail Building – US Hwy 1 / Grant Road - Theresa Thompson

At the request of the applicant this item has been removed from the agenda and will be heard at the July Planning Board meeting.

Public Hearing #2 – General Use Rezoning Request: Highway Commercial (B-2) to Residential and Agricultural-20 (RA-20) – Love Grove Church Road - Dervin Spell

Planner Dervin Spell presented a request by Pete Mace requesting a General Use Rezoning from Highway Commercial (B-2) to Residential and Agricultural-20 (RA-20) of approximately 13.21 acres (entire portion currently zoned B-2 located to the north of Love Grove Church Road) of an approximate 26.32 acre parcel, located on the corner of Love Grove Church Road and Carthage Road, West End, owned by Johnny & Kathy Harris, per Deed Book 5095 Page 156.

Mr. Spell discussed the items within the packet regarding the request.

With no further questions from the board, Chairman Garrison opened the Public Hearing.

The following spoke during the Public Hearing:

- Margaret Siler: 441 Love Grove Church Rd. West End, NC expressed concerns of the possible financial hardship to landowners in the area.
- Pete Mace; 170 Pine Barrens Vista Southern Pines, NC the applicant expressed to the board the intent is to keep the property residential.

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

Chairman Garrison advised that the board will accept written comments from the public until 6:29pm (24 hours after the hearing); comments will be accepted by email to scormack@moorecountync.gov; this matter is to be recessed until June 11, 2020; 6:00pm for the board to make a decision. Board Chair Garrison made a motion to recess until June 11, 2020; Board Member Jeff Gilbert seconded the motion, the motion was held via role call; passed unanimously 7-0. John Matthews noted he was on the line and was included in the roll call.

Public Hearing #3 – General Use Rezoning Request: Highway Commercial (B-2) to Residential and Agricultural-40 (RA-40) – Armstead Road / US Hwy 1 - Dervin Spell
Planner Dervin Spell presented a request by Robert Hayter is requesting a General Use Rezoning from Highway Commercial (B-2) to Residential and Agricultural-40 (RA-40) of approximately 4.82 acres of an approximate 8.62 acre parcel (the entire parcel being rezoned to RA-40), located on US Hwy 1 and adjacent to Armstead Road, Vass, owned by Robert and Jacqueline Hayter, per Deed Book 2837 Page 80.

Mr. Spell discussed the items within the packet regarding the request.

With no further questions from the board, Chairman Garrison opened the Public Hearing.

The following spoke during the Public Hearing:

- Robert Hayter; applicant mentioned to the board he felt the request is consistent to the area (additional audio comments from Mr. Hayter was undetectable).

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

Chairman Garrison advised that the board will accept written comments from the public until 6:41pm (24 hours after the hearing); comments will be accepted by email to scormack@moorecountync.gov; this matter is to be recessed until June 11, 2020; 6:00pm for the board to make a decision. Board Harry Huberth made a motion to recess until June 11, 2020; Board Member Bobby Hyman seconded the motion, the motion was held via role call; passed unanimously 7-0.

**Public Hearing #4 - General Use Rezoning Request: Residential and Agricultural-20 (RA-20) to Highway Commercial (B-2) – Juniper Lake Road - Theresa Thompson**

Planning Supervisor Theresa Thompson presented a request by Audio & Electronic Concepts, Inc. c/o Van Keller is requesting a General Use Rezoning from Residential and Agricultural-20 (RA-20) to Highway Commercial (B-2) of an approximate 5.54 acre parcel, located on the corner of Juniper Lake Road and Murdockville Road, owned by Audio & Electronic Concepts, Inc., per Deed Book 1659 Page 23.

Mrs. Thompson discussed the items within the packet regarding the request.

Board Member Huberth inquired about North Carolina Department of Transportation requirements and if a discussion has been had regarding any.

Mrs. Thompson informed the board the applicant is aware a driveway permit approval will need to be obtained through NCDOT and the applicant is present to answer any questions.

With no further questions from the board, Chairman Garrison opened the Public Hearing.

The following spoke during the Public Hearing:
Jeremy Rust; 377 Long Leaf Dr. West End, NC; applicant representative for Mr. Keller explained the agreement to purchase property had conditions to clean up vacant buildings that has been completed. Mr. Rust explained driveway conversations are in the works with NCDOT to establish a location for access. Mr. Rust feels the location would be good for commercial uses based on location and the previous commercial use in the past.

Eve Williamson; 975 Juniper Lake Rd. West End, NC; Mrs. Williamson was concerned about the previous commercial use statement from Mr. Rust as she was not aware of any previous commercial uses. Mrs. Williamson has concerns about noise, hours of operation, business type, traffic, location, water runoff, and possible increase in property values.

Don Williamson; 975 Juniper Lake Rd. West End, NC; Mr. Williamson has the same concerns as his wife Mrs. Williamson.

With no further inquiries Chairman Garrison asked Mr. Rust to assist with the questions from those who have spoken.

Planning Director Debra Ensminger explained to the board conditions could not be considered when making a decision for General Use Rezoning and all uses allowed in Highway Commercial (B-2) would be allowed as specified in the Table of Uses as long as the conditions have been met as specified in the Unified Development Ordinance.

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

Chairman Garrison advised that the board will accept written comments from the public until 7:00pm (24 hours after the hearing); comments will be accepted by email to scormack@moorecountync.gov; this matter is to be recessed until June 11, 2020; 6:00pm for the board to make a decision. Chairman Garrison made a motion to recess until June 11, 2020; Board Member Eddie Nobles seconded the motion, the motion was held via role call; passed unanimously 7-0.

**Public Hearing #5- Unified Development Ordinance Text Amendments – Highway Corridor Overlay District - Theresa Thompson**

Planning Supervisor Theresa Thompson presented to the board the requested amendments as noted within the staff report.

1. Chapter 3 (Intent of Zoning Districts), Section 3.16 (Highway Corridor Overlay District).

2. Chapter 7 (General Development Standards), Section 7.8 (Highway Corridor Overlay District) to amend Section A. New Development, amend B. Existing Development, amend C. Exemptions, remove D. Extension, amend E. Maintenance and Changes, remove F. Minimum Lot, Buildings, and Screening Standards, add G. Screening Standards, add H. Prohibited Uses, add I. Conditional Zoning Uses, add J. Storm Water Management, add K. Building Standards, add L. Fences, add M. Parking, add N. Access, add O. Screening along
Highway, add P. Vehicular Use Screening, add Q. Dumpster, Mechanical, and Electrical Equipment, Outdoor Storage Screening, add R. Signs, and add S. Lighting.

Mrs. Thompson provided the board with a presentation; attached as Exhibit A. During the presentation discussion was held between staff and board members. The following recommendations/comments were provided:

- Chairman Garrison requested staff to relook at prohibited uses in the Rural Highway to allow indoor shooting ranges.
- Chairman Garrison requested staff to identify what is allowed in the Rural Highway uses in regards to Sexually Oriented Business by listing those uses.
- Vice Chair Huberth requested staff to look at adding corrugated metal and a Hardy Plank type material as a permitted use for Building Design-Urban Transition COD.
- Board Member Gilbert felt the recommendations for window requirements was good for security reasons and agreed as presented by staff.
- Chairman Garrison expressed concern of the stringent guidelines for Building Design-Urban Transition COD being too restrictive.
- Vice Chair Huberth requested staff to relook at chain link fences to be an allowed use as long as the fence has color other than the traditional silver color.
- Vice Chair Huberth requested staff to relook at the type of Screening Within Vehicle Use Area-Urban COD mentioning longleaf pine was not suitable type vegetation for the northern Moore area.
- Vice Chair Huberth requested staff to relook at the Lighting-both Urban and Rural COD area promoting the dark sky interest in the Robbins area and recommended staff to look at the Town of Robbins Ordinance language.

With no further questions from the board, Chairman Garrison opened the Public Hearing.

The following spoke during the Public Hearing:

- Pete Mace signed up to speak however was not available for comment when called upon.
- Kristi Snyder; 180 E. Connecticut Southern Pines, NC; President, Mid Carolina Association of Realtors expressed concern of the timing the proposed amendment changes presented due to the current pandemic. Ms. Snyder feels these changes will not only hinder a recovery for Moore County but will hinder recovery from future disasters and could increase the cost of new construction.

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

Chairman Garrison advised that the board will accept written comments from the public until 8:03pm (24 hours after the hearing); comments will be accepted by email to scormack@moorecountync.gov; this matter is to be recessed until July 2, 2020; 6:00pm
for the board to make a decision. Chairman Garrison made a motion to recess until July 2, 2020; Board Member Bobby Hyman seconded the motion, the motion was held via role call; passed unanimously 7-0.

PLANNING DEPARTMENT REPORTS

Ms. Ensminger wished Planning Supervisor Theresa Thompson well on her new venture in life with the Town of Pittsboro. Ms. Ensminger reminded the board of the upcoming meeting on June 11, 2020 will be held via WebEx, the upcoming July 2, 2020 meeting is anticipated to be held in person and the logistics are currently in the works.

BOARD COMMENT PERIOD

Board Chair Garrison thanked staff for their hard work.

ADJOURNMENT

With no further comments Chairman Garrison made a motion to adjourn the June 4, 2020 regular meeting. The motion was seconded by Board Bobby Hyman; meeting adjourned at 8:20 p.m., the motion was held via role call; passed unanimously 7-0.

Respectfully submitted by,

Stephanie Cormack
Proposed Highway Overlay Corridor Districts
- No large signs
- No pole signs
- Off-premise signs prohibited
- Increase setbacks
- Concern over quality of development
- Regulate exterior design elements to blend with the environment
- No multi-story buildings
- Limit “big box” stores
• Building design standards (brick as primary material on buildings)
• Building orientation requirements
• Manage scale of buildings
• Special permit for buildings over 10,000 square feet
• No industry scale agriculture operations
• Limit agriculture to equine farms
• No polluting industry
• No theme parks ✓
• No multifamily apartment complexes
• Limit ingress/ egress to NC 211 ✓ (interior streets, shared driveways)
• No accessory uses in front yard ✓
• No outdoor storage in front yard ✓
• Outdoor storage screening ✓
• Prohibit manufactured homes ✓
• Reduce max impervious lot coverage
• No clear cutting without reforestation plan
• Exterior lighting standards ✔
• Low lighting ✔
• Smaller parking lots ✔
• Require vegetation to shield view from NC 211 ✔
• Increase landscape screening ✔
• Perimeter parking screening ✔
• Fences in side and rear yards only ✓ ✓
• Dark colored fences ✓ ✓
• Chain link fences prohibited ✓ ✓
• Internal lot setback – 40 feet ✓ ✓
• 2 rows of parking in front yard max ✓ ✓
• Connectivity standards ✓ ✓
• Maintenance standards ✓ ✓
Prohibited Uses in Urban Transition COD

Agricultural Uses and Buildings, Accessory Manufactured Home, Manufactured Home, Personal Workshop / Storage Building, Home Occupation Level 1, Home Occupation Level 2, Group Care Facility, Nursing Home, Bed and Breakfast, Hotel and Motel, Small Appliance Repair Shop, Trade Contractor Office and Workshop, Auction House, Flea Market, Manufactured or Modular Home Sales, Restaurant, Wholesales, Ice Machines as the principle use, All uses listed under “Vehicle Services”, “Adult Uses,” and “Waste Related Services” in the Table of Uses, Cemetery or Mausoleum/Commercial, Family Cemetery, Child Care Facility, Colleges/ Business/Trade School, Funeral Home/Accessory Crematorium, Government Facility, Hospital, Religious Institution, Schools/Elementary/Middle/High, Assembly Hall, Civic/Social Club, Lodge & Organization, Golf Driving Range, Golf Course included Par 3, Indoor Recreation, Low Impact Outdoor Recreation, High Impact Outdoor Recreation, Indoor Shooting Range, Outdoor Shooting Range, Zoo/Petting Zoo, Contractors Storage Yard and Office, Crematorium Facility, Wireless Communication Facility, Collocation on Existing WCF, Mini-Warehouse (Self-Service), Warehousing and/or Distribution Center, Debris Management Facility, Drop in Child Care Facility, Itinerant Merchant, Temporary Event (Special Event)
Proposed Changes
Changing Urban Village to Urban Transition

- Small section at the intersection of NC Hwy 211 and NC Hwy 73.
- The majority of undeveloped lots are at least an 1/2 acre in size and should be to meet the new HCOD standards.
Adding Seven Lakes Business District

- There are larger undeveloped tracts in this area that can meet the standards.
- Any developed lots in the Village Business District will be exempt from the building and parking setbacks and landscaping standards.
Existing Development

Existing Development
  a. Currently, any expansion of 500 s.f. or more OR change of use requires compliance to new rules.
  b. Proposed, only come into compliance if enlarging more than 50% OR total costs exceed 50% of the tax value.

Screening Standards
  a. Come into compliance with screening standards if:
     i. Parking lot expanding more than 10 spaces
     ii. Change of use
     iii. Building vacant for more than 180 days
Prohibited Uses

1. **Urban Transition.** Accessory Manufactured Home, Manufactured Home, Personal Workshop / Storage Building, Manufactured or Modular Home Sales, all uses listed under “Adult Uses” and “Waste Related Services” in the Table of Uses, Cemetery or Mausoleum/Commercial, Family Cemetery, High Impact Outdoor Recreation, Indoor Shooting Range, Outdoor Shooting Range, Zoo/Petting Zoo, Contractors Storage Yard and Office, Wireless Communication Facility, Mini-Warehouse (Self-Service), Warehousing and/or Distribution Center, and Debris Management Facility.

2. **Rural Highway.** Accessory Manufactured Home, Manufactured Home, Sexually Oriented Business, Indoor Shooting Range, Outdoor Shooting Range, and all uses listed under “Waste Related Services” in the Table of Uses.
Conditional Zoning Uses

**Urban Transition.** Group Care Facility, All uses listed under “Vehicle Services” in the Table of Uses, Commercial buildings in excess of 10,000 square feet.

**Rural Highway.** Group Care Facility, All uses listed under “Vehicle Services” and “Adult Uses” in the Table of Uses, Low Impact and High Impact Outdoor Recreation, Mini-warehouse (Self-Service), Manufactured or modular home sales, Commercial buildings in excess of 50,000 square feet.
Stormwater Management

• Pre / Post requirements
• The post development peak flow discharged rates shall not exceed the pre-development peak discharge rates for all storms up to and including the 25 year, 24 hour event.
• 25 year, 24 hour storm event is the maximum 24 hours precipitation event with a probably recurrence interval of once in 25 years.
Setbacks (not changing)

- The front building setback from the highway ROW is 75 feet.
- The building setback for internal lots with access to an internal street ROW shall be 40 feet.
- The building setback from residential districts is 50 feet.
- The building setback from non-residential districts is 25 feet.
Entrances. Principal building entrances shall be oriented to public streets or towards the corners of streets.

Utilities. Utility services shall be located underground. Wooden poles are prohibited.

Wall Materials.
- Exterior walls shall be at least 60% glass, brick, stone, wood clapboard siding.
- Pitched roofs shall be clad in wood shingles, standing seam metal, slate or asphalt shingles.
- Manufactured, mobile, portable storage units, and metal units are prohibited, except for temporary construction, sales trailers, or storage uses during construction.
- Brick veneers, corrugated metal, plywood, particleboard, untreated wood, and similar material are prohibited.
**Maintenance.** All exterior surfaces, which have or have not been painted, shall be maintained free of peeling or flaking paint or stucco. Rotten or weakened portions shall be removed and/or replaced to match as closely as possible the original patterns.

**Façade Colors.**
- Earth tone, muted, or subtle or neutral colors.
- Building trim may feature brighter colors, but neon tubing is not allowed as an accent material.
- The use of high-intensity, bright, metallic, fluorescent or neon colors are prohibited.

**Windows.** Except for civic and industrial buildings, a window or functional general access doorway shall be located along the length of the façade at least every 20 feet of the first floor on ROW fronting facades. Windows shall be visually permeable.
Accessory Buildings and Shopping Centers. All accessory buildings and structures shall be of similar design, materials, and color as the principle structure. All accessory structures are not permitted in the front yard.

Height
- 35 feet (not changing)
- All mechanical, electrical, communications, and service equipment, including satellite dishes shall be set back from the edge of the roof a minimum distance of 1 foot for every foot the feature extends above the roof surface.
- Screen or parapet walls shall be constructed to the height of any fixture taller than 3 feet in height that would be visible from a street or residential abutting property.

Fences
- Fences may be used for side and rear yards only.
- Chain link is prohibited.
Parking – both Urban and Rural COD

Setback.
- Front parking setback from highway ROW line is 50 feet. (Not Changing)
- The parking setback for internal lots with access to an internal street ROW shall be 40 feet.
Parking – both Urban and Rural HCOD

Location.
• A development with 75 or fewer parking spaces shall have a maximum of 2 rows of parking spaces between any street and the front elevation of a building.
• All other parking must be located on the side or rear of the building.
• Developments with more than 75 parking spaces must have parking on at least 3 sides of the building with not more than 30% of the parking spaces located in the front of the building.
Parking — Urban Transition COD only

**Paving.**
- Suitable paving materials for required parking and driveway areas include, but are not limited to: asphalt, porous asphalt, porous paving blocks, and concrete.
- Compacted stone (road bond) and gravel are permitted as paving materials in the rear setback area for loading and service areas.
- The use of grass is permitted for satellite parking areas.

**Striping.**
- The individual parking spaces in a lot shall be delineated in all parking lots except those utilizing road bond, gravel, or grass surfacing.

**Curbing.** Each parking space shall be provided with curbing or a tire stop.

**Maintenance.** Parking areas shall be maintained to provide for vehicle access and shall be kept free of litter, debris, outdoor display and sales and material storage, including portable containers.
Parking – Both Rural and Urban Transition COD

**Maintenance.** Parking areas shall be maintained to provide for vehicle access and shall be kept free of litter, debris, outdoor display and sales and material storage, including portable containers.

**Service Areas.** Parking for service vehicles and loading areas shall be designated, located and screened with Type 1 or Type 2 Screening to minimize the view from adjacent properties and right-of-ways, at the rear of the buildings.

**Compact Spaces.** Up to 20% of the total number of spaces required may be provided by compact or alternative transportation spaces, no less than 8 feet in width. Parking may also accommodate electric vehicle charging stations.

**Storage.** The parking area may be used only for parking and for any type of loading, sales, dead storage, or repair work.

**Stacking.** Where drive-thru or drive-up facilities are provided, space shall be provided to accommodate not less than three cars per stacking lane.
Access – Urban Transition COD only

Within a development, safe and easy-to-use circulation is an important design principle. All adjoining parcels serving (or potentially serving) non-residential or multifamily uses shall be interconnected as follows:

**Interconnectivity.** All parking lots shall dedicate access easements and provide interconnectivity to adjoining properties. The connection is at least 20 feet wide. If applicable, the connection aligns with a connection that has been previously constructed on an adjacent property.
Access – Urban Transition COD only

**Street Frontage.**
- Any lot that is to be created or any existing lot on which a structure is to be erected or a use to be established shall be accessible to a public or private street right-of-way.
- Access through easements is not permitted.

**Driveways.**
- The maximum driveway width is 36 feet.
- The maximum number of driveways per lot is 2.
- The minimum distance from an intersection or adjoining driveway is 100 feet, except in the case where no other lot access to a street is available.
- Common driveways on adjoining lots are recommended.
Screening Along Highway – Both Rural and Urban COD

• **Current** – 20 foot wide buffer, minimum of 15 trees (at least half evergreen) plus 15 shrubs (at least half evergreen) per 100 linear feet of lot boundary.

• **Proposed** – 50 foot wide buffer including 10 long leaf pines, 8 additional trees (at least half evergreen), and 25 shrubs per 100 linear feet of buffer area.

• New or supplemental trees shall be planted with the intent to grow to 10 feet within 5 years. New or supplemental shrubs shall be planted with the intent to grow to 5 feet within 5 years. Vegetation shall be distributed along the entire length and width of the planted buffer. A mixture of plant types are recommended to mitigate the spread of disease.
Perimeter Parking Screening. New or supplemental trees shall be planted with the intent to grow to 10 feet within 5 years. Shrubs shall with the intent to grow to 3 feet within 3 years. All off-street parking, loading areas, and service areas shall be screened from view by use of one or more of the following:

a. A building,

b. Stone or brick wall (side and rear yards only),

c. 1 tree, excluding longleaf pine, per 30 feet and 1 shrub per 3 feet (rounding up),

d. Perimeter screening (Type 1, 2, or 3) alongside property lines located not more than 20 feet from parking edge. Refer to fencing standards within this Section for Type 1.
Screening Within Vehicle Use Area – Urban COD only

Trees shall be installed in planting areas within parking lots to provide shade coverage and break up large areas of impermeable surface allowing areas for water infiltration. New or supplemental trees shall be planted with the intent to grow to 10 feet within 5 years. Planting areas shall meet the following:

a. Trees. 2 trees, excluding longleaf pine, per 10 spaces of vehicular use area (rounding up). Landscaped areas surrounded by impervious surfaces shall have a minimum width of 9 feet and include a minimum of 150 square feet of open planting area for trees. Trees shall be even distributed throughout the vehicular use area.

b. Shrubs. 4 evergreen shrubs per 10 spaces of vehicular use area (rounding up).

c. Groundcover. Each planting shall be landscaped with mulch, groundcover, shrubs, or grass to protect against soil erosion.

d. Barriers. Barriers, such as wheel stops or 6 inch standard curbs, must be provided between vehicular use areas and landscaped areas.
Dumpster, Mechanical and Electrical Equipment, Outdoor Storage Screening – both Urban and Rural COD

All storage facilities shall be located to the rear of the primary building and shielded from any public roadway or adjacent property by means of Type 1 (chained link is prohibited) or Type 2 screening, unless already screened by a buffer yard. Dumpster screening shall be at least 5 feet in height.

Signs – both Urban and Rural COD

- The maximum height is 6 feet.
- Sign colors shall be uniform between the ground sign and wall sign.
- Colors shall be muted.
- Off-premise signs are prohibited.
Lighting – both Urban and Rural COD

**Sign illumination.** Electronic changeable message signs are prohibited.

**Parking Lot Lighting.** The maximum mounting height of illumination is 30 feet from the ground to the light source. Light poles and fixtures shall be a matte or low-gloss grey, black, dark earthen, or bronze finish to minimize glare from the light source.

**Exterior Lighting.** The maximum average maintained illumination is 3.0 lumens per square feet at the property line. The light source must be white light. The use of laser source light or any similar high intensity light for outdoor entertainment or advertisement is prohibited. Awnings and canopies shall not be illuminated internally.
Questions