

**MINUTES
MOORE COUNTY PLANNING BOARD
THURSDAY, JULY 2, 2020 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd FLOOR**

The Moore County Planning Board recessed a portion of the June 4, 2020 meeting until July 2, 2020 for the Planning Board to make a decision.

Board Members Present

Joe Garrison (Chairman), Harry Huberth (Vice Chairman), Bobby Hyman, John Matthews, Jeffrey Gilbert

Board Members Absent: John Cook, Matthew Bradley, Eddie Nobles

Staff Present

Debra Ensminger, Planning Director; Tron Ross, Associate County Attorney;
Dervin Spell, Planner; Stephanie Cormack, Administrative Officer

CALL TO ORDER

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

INVOCATION

Chairman Bobby Hyman offered the invocation.

PLEDGE OF ALLEGIANCE

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

MISSION STATEMENT

Vice Chairman Harry Huberth read the Moore County Mission Statement.

A portion of this meeting was a continuation of the regular scheduled Planning Board Meeting of June 4, 2020.

The following Public Hearing was recessed until July 2, 2020 for the Planning Board to make a decision.

PUBLIC HEARING ACTION ITEM

Public Hearing #1 – Unified Development Ordinance Text Amendments – Highway Corridor Overlay District – Debra Ensminger

A Public Hearing was held and closed on June 4, 2020 at 8:03pm; written comments from the public were accepted until 8:03pm on June 5, 2020. No additional comments were received during this time frame.

With no further public comments Chairman Garrison asked staff to discuss the item.

Planning Director Debra Ensminger provided the board with an overview of inclusions within the agenda packet as requested by the board during the June 4, 2020 with the exception of window design standards which was up for further discussion.

Minor discussion was held between board members and provided the following comments:

- Chairman Garrison expressed he was not in favor of window design standards fearing the change may be too stringent.
- Board Member Gilbert expressed he was in favor of window design standards as originally written and presented during the June 4, 2020 meeting not only on the cosmetic side but also on the safety side.
- Board Member Huberth expressed he was in favor of window design standards and an upgrade to the ordinance would provide clear direction for future developers.
- Board Member Matthews expressed he was not in favor of window design standards and feels what is currently in place is working fine.
- Board Member Gilbert expressed he feels these standards will promote additional business who want to develop in the area interested in a specific cosmetic appeal.
- Board Member Hyman expressed he was in favor and felt the consistency would be good.

Chairman Garrison requested Ms. Ensminger to provide the board with clarification why the window design standards were updated.

Ms. Ensminger explained to the board there was interest among staff and local municipalities to improve on the main corridor entrances in an effort to remain consistent throughout the county when traveling down these corridors. Ms. Ensminger explained prior to drafting the language a meeting was held with all municipalities to obtain input.

With no further comments Chairman Garrison requested staff to move forward with the inclusion of window standards.

With no further comments Vice Chair Huberth 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. The motion was seconded by Board Member Jeffrey Gilbert; the motion passed unanimously 5-0.

Board Member Bobby Hyman made a motion to recommend approval to the Moore County Board of Commissioners of the proposed text amendments to the Moore County Unified Development Ordinance. The motion was seconded by Board Member Bobby Hyman; the motion passed unanimously 5-0.

PUBLIC COMMENT PERIOD

There was no public comment.

APPROVAL OF THE CONSENT AGENDA

- A. Approval of Meeting Agenda
- B. Approval of Minutes of June 4, 2020
- C. Approval of Minutes of June 11, 2020
- D. Consideration of Abstentions

Vice Chair Huberth made a motion for approval of the consent agenda. Board Member Bobby Hyman seconded the motion and the motion passed unanimously 5-0.

PUBLIC HEARING

Public Hearing #1 – Conditional Rezoning Request: Highway Commercial (B-2) to Highway Commercial Conditional Zoning (B2-CZ)-Shopping Center-Debra Ensminger

Planning Director presented a request by 4D Site Solutions, Inc. requesting a Conditional Rezoning from Highway Commercial (B-2) to Highway Commercial Conditional Zoning (B2-CZ) for a shopping center located on Parcel ID 00014200, approximately 1.71 acres located at 7627 NC Hwy 211, West End, owned by Bernie Schaub per Deed Book 4827 Page 215.

Ms. Ensminger went over the item as presented within the packet mentioning to the board a community meeting was held as required per the ordinance. During the community meeting the applicant was informed of the proposed changes to the Highway Corridor Overlay District. Since the community meeting Mr. Schaub has modified his site plan to reflect any proposed changes in order to come into compliance as proposed. Ms. Ensminger also mentioned to the board some opposition has been received regarding this request from the Pinewild Community.

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

The following spoke during the Public Hearing:

- Bernie Schaub applicant, 20 Loch Lomond Ct. Pinehurst, NC; approached the podium expressing to the board he purchased the property some time back and is a resident in the Pinewild community. Mr. Schaub mentioned he currently does not have a tenant list and understands potential opposition as change is hard for some.

Ms. Ensminger reviewed the Table of Uses allowed within the packet mentioning the applicant has agreed to allowing only those highlighted in yellow and will be held to those uses under a conditional rezoning.

Minor discussion was held amongst the board regarding the power line easement buffering the Pinewild Community.

Board Member Matthews asked Mr. Schaub of his thoughts regarding opposition from the Pinewild Community.

Mr. Schaub explained to the board he was unaware of opposition and would like to review prior to comment.

- Chris Biebrich; 33 Glasgow Dr. Pinehurst, NC; approached the podium with the following concerns:
 - Traffic increase
 - Not consistent with surrounding areas
 - Egress/ingress not adequate
 - Landscaping not adequate
 - Impact of lights and increased traffic to the Pinewild Community

- Scott Brown surveyor/engineer, 409 Chicago Dr, Fayetteville, NC; explained to the board the current zoning listed is B-2 and does not intend to change the zoning only adding a conditional zoning and allowing only those uses as mentioned by County staff.

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

Ms. Ensminger mentioned to the board if approval by the Moore County Board of Commissioners a Special Non-Residential Intensity Allocation (SNIA) will be brought before the Planning Board at a later date for review.

With no further comments Vice Chair Huberth 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. The motion was seconded by Board Member John Matthews; the motion passed unanimously 5-0.

Board Member John Matthews made a motion to recommend approval to the Moore County Board of Commissioners of the Conditional Rezoning from Highway Commercial (B-2) to Highway Commercial Conditional Zoning (B2-CZ) for a shopping center located on an approximate 1.97 acre parcel located at 7627 NC Hwy 211, West owned by Bernie Schaub. The motion was seconded by Board Member Bobby Hyman; the motion passed unanimously 5-0.

Public Hearing #2 – Conditional Rezoning Request: Residential and Agriculture-40 (RA-40) to Rural Agricultural Conditional Zoning (RA-CZ0-Mining - Dervin Spell

Planner Dervin Spell presented a request by Chad Harris requesting a Conditional Rezoning from Residential and Agriculture-40 (RA-40) to Rural Agricultural Conditional Zoning (RA-CZ) for a mining operation located at Parcel ID#00029785, the total being approximately 8.04 acres, located on Partridge Lane in West End, owned by Johnny Harris Trucking, Inc. per Deed Book 4453 Page 337.

Mr. Spell went over the items within the packet regarding the request.

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

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

With no further comments Vice Chair Huberth 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. The motion was seconded by Board Member Bobby Hyman; the motion passed unanimously 5-0.

Board Member Bobby Hyman made a motion to recommend approval to the Moore County Board of Commissioners of the Conditional Rezoning from Residential and Agriculture-40 (RA-40) to Rural Agricultural Conditional Zoning (RA-CZ) for a mining operation located at Parcel ID#00029785, the total being approximately 8.04 acres, located on Partridge Lane in West End,. The motion was seconded by Board Member John Matthews; the motion passed unanimously 5-0.

Public Hearing #3 – Conditional Rezoning Request: Rural Agricultural (RA) to Rural Agricultural Conditional Zoning (RA-CZ)-Pallet Recycling and Production-Dervin Spell

Planner Dervin Spell presented a request by Reeder Pallet Company Inc.-Matthew Reeder requesting a Conditional rezoning from Rural Agricultural (RA) to Rural Agricultural Conditional Zoning (RA-CZ) for a Pallet Recycling and Production Facility located on two properties: Parcel ID#95000361 and #00008792, the total being approximately 28.9 acres located at 2344 NC Hwy 705 and adjacent to West Side Rd., Robbins, owned by Sandhills Community College per Deed Book 3770 Page 106 and Deed Book 3231 Page 287.

Mr. Spell went over the items within the packet regarding the request.

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

The following did not sign up to speak however requested to speak during the Public Hearing:

- Becky (no last name given) lives off of Hwy 705 had the following concerns:
 - Chemicals used on site for preserving wood
 - Termites and pesticides used
 - Traffic increase
 - Hours of operation

- Matthew Reeder applicant/owner 593 Dynasty Dr., Asheboro NC addressed the following concerns as mentioned by Becky:
 - No chemicals will be used to preserve the pallets, Reeder Pallet uses a heat treatment process.
 - A concrete pad will be placed on the property for outdoor storage of pallets.

- Reeder Pallet has a small fleet of tractor trailers and some lite increase of traffic will be seen. Mr. Reeder also mentioned he has been in contact the NCDOT to obtain a driveway approval, a traffic impact study was not recommended.
- Mr. Reeder mentioned the business is currently located in Seagrove NC, which plans to relocate to this site allowing the business to grow for future employment opportunities.
- Current hours of operation are Monday through Thursday; 10-hour days 5am-3pm; no weekends.

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

With no further comments Board Member Bobby Hyman 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. The motion was seconded by Vice Chair Harry Hubert, the motion passed unanimously 5-0.

Vice Chair Harry Huberth made a motion to recommend approval to the Moore County Board of Commissioners of the Conditional rezoning from Rural Agricultural (RA) to Rural Agricultural Conditional Zoning (RA-CZ) for a Pallet Recycling and Production Facility located on two properties: Parcel ID#95000361 and #00008792, the total being approximately 28.9 acres located at 2344 NC Hwy 705 and adjacent to West Side Rd., Robbins. The motion was seconded by Board Member John Matthews, the motion passed unanimously 5-0.

Public Hearing #4 – Conditional Rezoning Request: Rural Agricultural (RA) to Rural Agricultural Conditional Zoning (RA-CZ) – Warehousing – Dervin Spell

Planner Dervin Spell presented a request by Marlene Hernandez requesting a Conditional Rezoning from Rural Agricultural (RA) to Rural Agricultural Conditional Zoning (RA-CZ) for a warehouse located on a portion of Parcel ID#00009916, the total being approximately 4.15 acres out of approximately 23.01 acres, located at 126 mills Place, Biscoe, adjacent to Tarry Church Rd. S., owned by Ventura Cervantes Rubio, per Deed Book 4464 Page 20.

Mr. Spell went over the items within the packet regarding the request.

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

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

With no further comments Vice Chair Harry Hubert 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. The motion was seconded by Board Member Bobby Hyman, the motion passed unanimously 5-0.

Board Member Bobby Hyman made a motion to recommend approval to the Moore County Board of Commissioners of the Conditional Rezoning from Rural Agricultural (RA) to Rural Agricultural Conditional Zoning (RA-CZ) for a warehouse located on a portion of Parcel ID#00009916, the total being approximately 4.15 acres out of approximately 23.01 acres, located at 126 mills Place, Biscoe, adjacent to Tarry Church Rd. S. The motion was seconded by Vice Chair Harry Huberth, the motion passed unanimously 5-0.

Public Hearing #5 – Conditional Rezoning Request: Rural Agricultural (RA) to Neighborhood Business Conditional Zoning (B1-CZ) – Retail (Firearms and Accessories Sales Facility) – Debra Ensminger

Planning Director Debra Ensminger presented a request by Tim Blakely requesting a Conditional Rezoning from Rural Agricultural (RA) to Neighborhood Business Conditional Zoning (B1-CZ) for a Retail/Fire Arms and Accessory Sales Facility located on approximately 15,246 square feet an approximate 1.2 acre parcel, Parcel ID#20090123, located at 1072 Stanton Hill Rd., Cameron, owned by Timothy Blakeley and Jeanette Johnson Blakeley per Deed Book 359 Page 1.

Ms. Ensminger went over the items within the packet regarding the request.

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

The following did not sign up to speak however was asked to speak during the Public Hearing:

- Tim Blakely, owner/applicant, 1072 Stanton Hill Rd., Cameron; approached the podium.

Mr. Blakely explained to the board he lives at the property next to where he would like to open a retail firearms facility having 36' inch isles allowing for an easily accessible shopping experience for those with disabilities as well as being a female friendly business. The structure would be cosmetically appealing with similar features of his current residence.

Board Member Bobby Hyman inquired if Mr. Blakeley has any plans for a future shooting range to be located on the property.

Mr. Blakely explained he would have no live firing on the property only retail sales.

Vice Chair Harry Huberth asked for further clarification why Mr. Blakely omitted the required screening requirements from one side of the property as per the County's Ordinance requirements and felt this may pose a long-term issue down the road if the property were to change hands.

Mr. Blakeley explained he did not intend to place screening as required due to the close proximity of his home.

Vice Chair Harry Huberth asked Mr. Blakely if he would agree to the following condition: Upon sale of the property he would install the required screen per the Moore County Unified Development Ordinance.

Mr. Blakey agreed to the said conditions upon sale of property.

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

With no further comments Board Member John Matthews 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. The motion was seconded by Board Member Bobby Hyman, the motion passed unanimously 5-0.

Vice Chair Harry Huberth made a motion to recommend approval to the Moore County Board of Commissioners of the Conditional Rezoning from Rural Agricultural (RA) to Neighborhood Business Conditional Zoning (B1-CZ) for a Retail/Fire Arms and Accessory Sales Facility located on approximately 15,246 square feet an approximate 1.2 acre parcel, Parcel ID#20090123, located at 1072 Stanton Hill Rd., Cameron, owned by Timothy Blakeley and Jeanette Johnson Blakeley with the condition upon sale of the property the Moore County screening requirements would become effective at that time.. The motion was seconded by Board Member Bobby Hyman, the motion passed unanimously 5-0.

Public Hearing #6 - Unified Development Ordinance Text Amendments - Statutory Updates - Debra Ensminger

Planning Director Debra Ensminger presented to the board the requested amendments as noted within the staff report.

1. Chapter 4 (Zoning Permits), Section 4.6 (Expiration) that zoning permits are valid for 1 year and that if the proposed moving, constructing, altering, repairing, or use of land, as set forth in an application for a zoning permit, is discontinued for a period of 2 years or more, the permit shall lapse and be of no further force and effect.
2. Chapter 9 (Nonconforming Situations), Section 9.2 (Continuation) to state if a legal nonconforming use is discontinued, as evidenced by the disconnection of electrical or utility service for a period of 2 years, any future use of the building, structure, or land shall comply with the provisions of this ordinance.
3. Chapter 11 (Conditional Rezoning), Section 11.2 (Application Process), Subsection F (Additional Conditions) that the applicant must consent in writing to the conditions in order for those conditions to be effective.
4. Chapter 12 (Conditional Use Permits), Section 12.2 (Application Process), Subsection C (Additional Conditions) that conditions and safeguards imposed shall not include taxes, impact fees, building design elements within the scope of NCGS 153A-340(1), and driveway related improvements in excess of those allowed in NCGS 136-18(29) and NCGS 160A-307. Design restrictions are

- permitted for commercial or multi-family development or with written consent from the property owner.
5. Chapter 13 (Appeals & Variances), Section 13.1 (Administrative Appeals), Subsection F (Standing) stating criteria used to determine whether an individual has standing to bring civil actions against administrative decisions.
 6. Chapter 13 (Appeals & Variances), Section 13.6 (Appeals to Court) updating the language to include the following sections: A. Quasi-Judicial Decisions, B. Circumventing the Board of Adjustments, C. Administrative Decisions, D. Time for Commencement of Action, and E. Fines Stayed During Appeal.
 7. Chapter 14 (Vested Rights), Section 14.2 (Development Permit) to add & describe the nature of development permits and relocate the Valid Building Permit section to 14.3.
 8. Chapter 14 (Vested Rights), Section 14.4 (Site Specific Development Plans & Phased Development Plans) to relocate the section and modify the following subsections: C. Site Development Plan, D. Phased Development Plan, E. Duration, and F. Termination.
 9. Chapter 14 (Vested Rights), Section 14.5 (Multi-Phased Developments) to add new section defining multi-phased developments.
 10. Chapter 14 (Vested Rights), Section 14.6 (Permit Choice) to relocate the section & to update the language to include purpose, expirations, subsequent development permits, and appeal process.
 11. Chapter 14 (Vested Rights), move Section 14.5 to Section 14.7 (Development Agreement) to be in proper sequence.
 12. Chapter 14 (Vested Rights), add Section 14.8 (Appeal) to refer to Section 13.6.
 13. Chapter 18 (Subdivisions), Section 18.13 (Performance Guarantees for Major Subdivisions), Subsection B (Duration) to define “duration.”
 14. Chapter 18 (Subdivisions), Section 18.13 (Performance Guarantees for Major Subdivisions) to move subsections to be in proper sequence.
 15. Chapter 19 (Definitions), Section 19.2, Definition (Development, Development Permit, Land Development Regulation) to amend the definition of “development,” and to define “development permit,” and “land development regulation.”
 16. Chapter 19 (Definitions), Section 19.2, Definition (Family) to amend the definition of “family.”

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

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

With no further comments Board Member Bobby Hyman made a motion to adopt the attached Moore County Planning Board Land Use Plan Consistency Statement and authorize the Chairman to execute the document as required by North Carolina General Statute 153A-341. The motion was seconded by Vice Chair Harry Huberth, the motion passed unanimously 5-0.

Board Member Jeffrey Gilbert made a motion to recommend approval to the Moore County Board of Commissioners of the proposed text amendment to the Moore County

Unified Development Ordinance. The motion was seconded by Board Member John Matthews, the motion passed unanimously 5-0.

PLANNING DEPARTMENT REPORTS

No Planning Department updates.

BOARD COMMENT PERIOD

Chairman Garrison thanked the board and staff for their commitment to attend the meeting.

ADJOURNMENT

With no further comments Board Member Bobby Hyman made a motion to adjourn the July 2, 2020 regular meeting. The motion was seconded by Board Member John Matthews; meeting adjourned at 6:40 p.m., the motion was held via role call; passed unanimously 7-0.

Respectfully submitted by,

Stephanie Cormack