

MINUTES
MOORE COUNTY PLANNING BOARD
THURSDAY, FEBRUARY 2, 2023, 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd FLOOR

Board Members Present:

Joe Garrison (Chairman), Bobby Hyman (Vice-Chairman), Amy Lynn, David McLean, Farrah Newman, John McLaughlin, Mick McCue

Board Members Absent:

Tucker McKenzie, Jeffrey Gilbert

Staff Present:

Debra Ensminger, Planning Director; Stephanie Cormack, Admin Officer; Jaimie Walters, Senior Planner; Ruth Pedersen, Senior Planner; Michael Mandeville, Assistant Planning Director; Tron Ross, Associate County Attorney

CALL TO ORDER

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

INVOCATION

Board member McLaughlin offered the invocation.

PLEDGE OF ALLEGIANCE

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

MISSION STATEMENT

Board member Newman 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 January 5, 2023
- C. Consideration of Abstentions

Board Member Mick McCue made a motion for approval of the consent agenda and approval of the minutes of January 5, 2023, meeting. Vice-chair Hyman seconded the motion and the motion passed unanimously 6-0 (Amy Lynn was not present at time of vote)

CONTINUED PUBLIC HEARING

Public Hearing #1 – Larry Best is requesting a text amendment to the Moore County Unified Development Ordinance: To amend Chapter 8 (Specific Use Standards), Section 8.101 (Solar Collectors, On-site), Sub-Section B (Ground Mounted Solar Panels) to allow ground mounted solar panels in the front yard in the RA and RE zoning districts. – Jaimie Walters

Senior Planner Jaimie Walters presented the continued public hearing from the January 5, 2023, meeting on behalf of Larry Best requesting a text amendment to the Moore County Unified Development Ordinance: To amend Chapter 8 (Specific Use Standards), Section 8.101 (Solar Collectors, On-site), Sub-Section B (Ground Mounted Solar Panels) to allow ground mounted solar panels in the front yard in the RA and RE zoning districts.

Mrs. Walters went over the item within the packet regarding the request, particularly going over available options as provided.

Board member Newman asked about screening and how it would affect these panels.

Mrs. Walters explained the screening recommendations for this request were generated by the applicant.

Board member McLean inquired if a vacant lot adjacent to a home would be able to place panels on the property.

Mrs. Walters explained the panels would be an accessory use to the principal dwelling and would need to be on the same property.

Board member Lynn wanted to make sure if someone had two (2) lots could they be combined to one (1) lot to meet these requirements.

Mrs. Walters explained the two (2) lots could be recombined to one to meet these requirements.

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

The following signed up to speak during the public hearing.

- Larry Best, applicant; explained his home is located at the back of the property and it was not practical for solar panels to be in the rear or side of his yard.

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

Minor discussion was held between the board members regarding the need as it pertains to solar.

With no further discussion from the board, Board member Amy Lynn made a motion to adopt the attached approval Moore County Planning Board Land Use Plan Consistency Statement and authorize its chairman to execute the document as required by North Carolina General Statute 160D-604. The motion was seconded by Board member McCue; the motion passed 6-1 (Chairman Garrison opposed).

Board member Amy Lynn 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 with the following conditions: limited to RA & RE zoning districts, must meet principal setback requirements, must have five (5) acres or more and cannot be more than twelve (12) feet in height using Type 2 or Type 3 screening requirements. The motion was seconded by Board member Mick McCue; the motion passed 6-1 (Chairman Garrison opposed).

PUBLIC HEARINGS

Chairman Garrison recessed the Planning Board meeting for the board to act as the Watershed Review Board.

Watershed Review Board – A Special Non-residential Intensity Allocation (SNIA) to increase the maximum built-upon area by 21.9% on three adjacent properties, one property located at 1100 Seven Lakes Dr. and the two other properties also located on Seven Lakes Dr., owned by Sandhills Center for Mental Health. – Debra Ensminger

Ms. Ensminger went over the item within the packet regarding the request explaining this was a staff driven text amendment to correct an error on staff's part as a SNIA should have brought before the Watershed Review Board prior to construction.

Ms. Ensminger mentioned the engineer for this project has certified it will meet all best management practices and the site plan submitted meets all requirements of the Moore County Unified Development Ordinance.

Ms. Ensminger explained if a SNIA is not granted Sandhills Center for Mental Health would not be able to move forward however, all requirements have been met and feels there should be no reason why a SNIA should not be granted. The engineer will be required to meet all requirements once the project is completed.

Board member Newman asked who be required to maintain the swale once installation is complete, and what happens if they do not.

Ms. Ensminger explained Sandhill Center for Mental Health would be required to maintain the swale, if not then it would be handled at the State level.

Ms. Ensminger explained they are proposing to have a swale between the adjacent property and water would be directed to a level spreader located at the front of the property. Unfortunately,

until the project is completed it is hard to determine if this would correct any water runoff issues to other property owners.

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

The following signed up to speak during the public hearing.

- Barry Kavanaugh, Seven Lakes Eye Care-concerns about water runoff from this project onto his property which could pose major issues in the future.

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

Board member asked if Seven Lakes Dr. is owned by the State.

Ms. Ensminger mentioned the road is owned by the state and the driveway permit specially requires the water to be redirected away from the road and cannot go out onto the road. Staff will make sure all requirements are met prior to the project being issued a certificate of occupancy. The engineer will have to meet all requirements, Sandhills Center for Mental Health wants to be a good neighbor and will make sure all requirements are met.

Chairman Garrison inquired what happens if all requirements are met and down the road there ends up being an issue.

Ms. Ensminger explained Sandhills Center for Mental Health would have to make sure they continue to meet all requirements, if not then the county would need to get involved.

Board member Newman does not feel a berm type water management is the most effective water management option and feel there should be more water management requirements.

Ms. Ensminger explained the county does not have a storm water management ordinance. The developer has met all requirements and this option is one of the options provided by the state which meets the intent of best management practices, ultimately it would fall on the engineer's seal if they do not meet all requirements.

Minor discussion was held between the board regarding water runoff, however, ultimately understands it would fall under the Engineers seal and the county would make sure all requirements are met before a certificate of occupancy would be issued.

With no further discussion from the board, Chairman Garrison made a motion to approve the Special Non-Residential Intensity Allocation (SNIA) to increase the maximum built upon area to 45.9% on three adjacent properties known as ParID 00016121, 00029838 and 00029839, owned by Sandhills Center for Mental Health. The motion was seconded by Vice-chair Hyman; the motion passed 5-2 (Board members, Newman and McCue opposed).

Chairman Garrison adjourned the Watershed Review Board and reopened the Planning Board meeting.

Public Hearing #1 – To amend Chapter 8 (Specific Use Standards), Section 8.111 (Warehouse, Distribution Center, Freight Terminal) of the Moore County Unified Development Ordinance to make Freight terminals an individual specific use with standards separate from Warehouses and Distribution Centers. – Ruth Pedersen

Senior Planner Ruth Pedersen presented the text amendment driven by staff, explaining the proposed is to make Freight Terminal an individual specific use with standard separate from Warehouses and Distribution Centers.

Mrs. Pedersen went over the item within the packet regarding the request going over the options as listed.

Ms. Ensminger explained to the board there is an existing rail of interest which is why this text amendment has been brought before the board for consideration.

Board member McLean feels there should be limitations of storage on the property.

Board member Lynn feels there should be setback and buffering requirements.

Board member McCue has concerns about the proposed setbacks and feels they should be more stringent requirements to residential zoned properties.

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

No public comment.

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

Chairman Garrison went over the Table of Uses and the areas allowed for the proposed uses.

Board member McLaughlin feels a natural vegetation would be a better screening option and proposed staff to do further review of surrounding areas.

With no further discussion from the board, Chairman Garrison made a motion to table the item until the upcoming March 2nd, 2023, meeting. The motion was seconded by Board member Lynn; the motion passed 7-0.

Public Hearing #2 – To amend Chapter 8 (Specific Use Standards), Section 8.13 (Assembly Hall) Subsection B (Standards) to increase the setbacks for Assembly Halls to 750 feet from any residentially zoned property line and a minimum 2,500 feet from a public park, nursing home, church, childcare facility, or school as measured by a straight-line distance, from property line to property line. – Ruth Pedersen

Senior Planner Ruth Pedersen presented the text amendment initiated by staff to amend Section 8.13 of the UDO to increase the setback requirements for Assembly Halls in relation to residentially zoned properties and sensitive land uses.

Mrs. Pedersen went over the item within the packet.

Board member McCue asked for further clarification regarding property lines.

Board member McLaughlin feels the proposed setbacks would restrict adapted uses for schools.

Ms. Ensminger asked the board to table this item for further staff review.

With no further discussion from the board, Chairman Garrison made a motion to table the item until the upcoming March 2nd, 2023, meeting. The motion was seconded by Board member Lynn; the motion passed 7-0.

PLANNING DEPARTMENT REPORTS

Ms. Ensminger mentioned the Board of Commissioners have created task force teams and will have upcoming meetings. There is a specific task force team for land use.

BOARD COMMENT PERIOD

Chairman Garrison thanked everyone who came to the meeting. He also thanked the board members and staff for their work.

ADJOURNMENT

With no further comments Vice-Chairman Bobby Hyman made a motion to adjourn the February 2, 2023, regular meeting. The motion was seconded by Board member Amy Lynn, the motion passed unanimously 7-0. Meeting adjourned at 8:06 p.m.

Respectfully submitted by,

Stephanie Cormack