

**MOORE COUNTY PLANNING BOARD**  
**THURSDAY, MAY 2, 2019 6:00 PM**  
**MOORE COUNTY HISTORIC COURTHOUSE – 2<sup>nd</sup> Floor**

**CALL TO ORDER – 6 PM**

**INVOCATION – (Member Volunteer)**

**PLEDGE OF ALLEGIENCE – (Member Volunteer)**

**MISSION STATEMENT – (Member Volunteer)**

**I. PUBLIC COMMENT PERIOD (*Procedures are attached*)**

**Please sign up on the Public Comment Sign In sheet near the door**

**II. APPROVAL OF CONSENT AGENDA**

All items listed below are considered routine and will be enacted by one motion. No separate discussion will be held except by a member of the Planning Board:

- A. Approval of Meeting Agenda
- B. Approval of Minutes of April 4, 2019
- C. Consideration of Abstentions

**III. PUBLIC HEARINGS**

**1. Conditional Rezoning Request: Rural Agricultural Conditional Use District (RA-CUD) - Mining to Rural Agricultural Conditional Zoning (RA-CZ) - Land Clearing & Inert Debris Facility–Theresa Thompson**

Chad Harris is requesting a Conditional Rezoning from Rural Agricultural Conditional Use District - Mining (RA-CUD) to Rural Agricultural Conditional Zoning (RA-CZ) for a Land Clearing & Inert Debris Facility, located on a portion of 3 properties: ParID 20000071, 00990775, and 00013973, the total being approximately 15.17 acres, located adjacent to 310 Rubicon Road, owned by Johnny Harris Trucking, Inc.

**2. Unified Development Ordinance Text Amendment (Equestrian Cottage) –Theresa Thompson**

**3. Unified Development Ordinance Text Amendments –Theresa Thompson**

**IV. PLANNING DEPARTMENT REPORTS - Debra Ensminger**

**V. BOARD COMMENT PERIOD - Chairman Nobles**

**VII. UPCOMING EVENTS**

- Tuesday, May 7, 2019 10:30 AM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage

- Tuesday, May 15, 2019 3:00 PM Moore County Transportation Advisory Board to be held at the Rick Rhyne Building in Carthage
- Tuesday, May 21, 2019 6:00 PM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage
- **Thursday, June 6, 2019 6:00 PM Planning Board Meeting to be held at the Historic Courthouse in Carthage**

## **VIII ADJOURNMENT**

*Special accommodations for individuals with disabilities or impairments will be made upon request to the extent that reasonable notice is **give** to the County.*

*Please see attached procedures for the Public Comment Period and public comment during Public Hearing*

**PUBLIC COMMENT PROCEDURES  
MOORE COUNTY PLANNING BOARD**

*The Moore County Planning Board is committed to allowing members of the public an opportunity to offer comments and suggestions for the efficient and effective administration of government. In addition to public hearings, a special time is set aside for the purpose of receiving such comments and suggestions. All comments and suggestions addressed to the Board during the Public Comment Period shall be subject to the following procedures:*

- 1. The Public Comment period will be held at the beginning of the Board meeting. The comment period will be limited to a maximum of thirty minutes*
- 2. Persons who wish to address the Board during the Public Comment Period will register on a sign-up sheet available on the table outside the entrance door to the Meeting Room indicating contact information and topic. Sign-up sheets will be available beginning 30 minutes before the start of the meeting. No one will be allowed to have his/her name placed on the list by telephone request to County Staff.*
- 3. Each person signed up to speak will have three (3) minutes to make his/her remarks. Each person signed up to speak will only be entitled to the time allotted to each speaker and one additional time period which may be yielded to him/her by another individual who has also signed up to speak on a particular topic.*
- 4. Speakers will be acknowledged by the Board Chairperson in the order in which their names appear on the sign up sheet. Speakers will address the Board from the lectern at the front of the room and begin their remarks by stating their name and address.*
- 5. Public comment is not intended to require the Board to answer any impromptu questions. Speakers will address all comments to the Board as a whole and not one individual member. Discussions between speakers and members of the audience will not be allowed.*
- 6. Speakers will be courteous in their language and presentation. Matters or comments which are harmful, discriminatory or embarrassing to any citizens, official or employee of Moore County shall not be allowed. Speaker must be respectful and courteous in their remarks and must refrain from personal attacks and the use of profanity.*
- 7. Only one speaker will be acknowledged at a time. If the time period runs out before all persons who have signed up get to speak, those names will be carried over to the next Public Comment Period.*
- 8. Any applause will be held until the end of the Public Comment Period.*
- 9. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Chairperson.*
- 10. Information sheets outlining the process for the public's participation in Board meetings will also be available in the rear of the Meeting Room.*
- 11. Action on items brought up during the Public Comment Period will be at the discretion of the Board.*

*Adopted on the 4<sup>th</sup> day of February, 2010 by a 8 to 1 vote of the Moore County Planning Board.*

**MOORE COUNTY PLANNING BOARD  
PUBLIC HEARINGS PROCEDURES**

*The Moore County Planning Board serves the public as well as the Board of Commissioners. During each public hearing a special time has been set aside for the purpose of receiving comments and suggestions. To insure that comments and suggestions are productive and not unnecessarily long, procedural rules for conducting public hearings are necessary. The following procedural rules will be utilized during public hearings of the Moore County Planning Board:*

- 1. Anyone who would like to address the Board during a public hearing should register on the appropriate sign-up sheet indicating their name and address. Sign-up sheets will be available on the table outside the entrance door to the Meeting Room 30 minutes before the start of the meeting. Information sheets outlining the process for the public's participation in Board meetings and public hearings will also be available. No one will be allowed to have his/her name placed on the list by telephone request to County Staff.*
- 2. Each speaker will be called by the Chairman to the lectern, will state their name and address clearly into the record before providing their comments.*
- 3. Speakers will address all comments to the Board as a whole and not to any one individual member. Speakers will be respectful, courteous, refrain from personal attacks and the use of profanity.*
- 4. Any applause will be held until the end of the public hearing.*
- 5. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Secretary.*
- 6. Action on items brought up during the public hearing will be at the discretion of the Board.*

*Adopted on the 5<sup>th</sup> day of May, 2011 by a 9 to 0 vote of the Moore County Planning Board*

**MINUTES**  
**MOORE COUNTY PLANNING BOARD**  
**THURSDAY, APRIL 4, 2019 6:00 PM**  
**MOORE COUNTY HISTORIC COURTHOUSE – 2<sup>nd</sup> 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 2<sup>nd</sup>.

## **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**

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**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

**MEMORANDUM TO THE PLANNING BOARD**

**FROM:** Theresa Thompson  
Planning Supervisor

**DATE:** April 5, 2019

**SUBJECT:** Conditional Rezoning Request: Rural Agricultural Conditional Use District (RA-CUD) -Mining to Rural Agricultural Conditional Zoning (RA-CZ) - Land Clearing & Inert Debris Facility

**PRESENTER:** Theresa Thompson

**REQUEST**

Chad Harris is requesting a Conditional Rezoning from Rural Agricultural Conditional Use District - Mining (RA-CUD) to Rural Agricultural Conditional Zoning (RA-CZ) for a Land Clearing & Inert Debris Facility, located on a portion of 3 properties: ParID 20000071, 00990775, and 00013973, the total being approximately 15.17 acres, located adjacent to 310 Rubicon Road, owned by Johnny Harris Trucking, Inc. per Deed Book 3117 Page 413, Deed Book 3117 Page 416, and Deed Book 3117 Page 419.

This case was properly advertised, public hearing sign posted on the property, and all adjacent property owners were notified.

**BACKGROUND**

The property currently includes a mine, which has been in operation since 1997. The original mining location is located on 3 adjacent parcels (ParID 96000516, 00019634, 9700046) consisting of approximately 60 acres. Johnny Harris received conditional use district approval to expand the mine to an additional 3 parcels (approximately 37.28 acres total) on May 19, 2008 (ParID 20000071, 00990775, 00013973). The property also consists of a 3 acre land clearing and inert debris facility, approved as an accessory use to the mine in 2017.

The LCID business is expanding and the applicant is now requesting to increase the LCID facility to approximately 15.17 acres which will change the principal use from mining to a land clearing and inert debris facility. The remaining approximate 22.11 acres will remain RA-CUD – Mining.

**COMMUNITY MEETING**

The community meeting was conducted at the Moore County Agricultural Center on April 15, 2019 between 6:00pm and 7:00pm. Adjacent properties were notified by certified return receipt mail, sent on April 3, 2019. No adjacent property owners were in attendance. The meeting was attended only by the applicant’s representatives and county staff.

### **CONDITIONAL ZONING (CZ)**

Conditional rezoning affords a degree of certainty in land use decisions not possible when rezoning to a general category allowing many different uses. A Conditional Zoning District is a floating zoning district created only at the request of a property owner, through the legislative rezoning process. Uses which may be considered for a conditional zoning district are restricted to those uses listed in the corresponding general zoning district. All development shall follow the specific use standards contained in the Moore County Unified Development Ordinance (UDO). Either the property owner or the Board of Commissioners may propose specific conditions (Planning Board may recommend conditions) but only those conditions mutually agreed upon to the owner and Board of Commissioners can be imposed.

### **EXISTING ZONING AND SURROUNDING LAND USE**

Adjacent properties are zoned Residential and Agricultural-40 (RA-40). Adjacent land uses include single family homes.

### **CONSISTENCY WITH THE 2013 MOORE COUNTY LAND USE PLAN**

The site has a Rural Agricultural Land Use Classification. The requested zoning to Rural Agricultural Conditional Zoning (RA-CZ) for a Land Clearing & Inert Debris Facility is compatible with the Rural Agricultural Land Use Classification. The Land Use Plan states the primary use of the Rural Agricultural Land Use Classification is to support rural residential life associated with agricultural uses and other rural activities. The requested rezoning to Rural Agricultural Conditional Zoning District (RA-CZ) for a Land Clearing & Inert Debris Facility is consistent with rural activities.

The rezoning request is also consistent with several goals as included in the attached Land Use Plan Consistency Statement, including: Recommendation 1.7: Support and promote local businesses and Action 1.8.5: Support and promote infill development that will optimize the use of existing infrastructure.

## MOORE COUNTY COMPARISON LAND USE MAP



### APPLICATION REVIEW COMMENTS

The applicant is requesting approvals of these deviations per UDO Section 11.2 Application Process, Section (E): UDO Compliance. The request shall be in compliance with all relevant portions of the UDO, except that variations from these standards may be approved by the Board of Commissioners if the site plan is submitted and determined to be suitable for the request, is consistent with the intent of the standards, and ensures compatibility with land uses on surrounding properties.

In addition to County regulations, the project shall meet all North Carolina Department of Quality requirements. The proposed site plan meets all Unified Development Ordinance (UDO) requirements with the exception of the following:

1. UDO Section 7.11 Non-Residential Screening, Section (A): Applicability. The standards established in the section are intended to provide adequate buffering between non-residential and residential land uses. Any new development including parking lots or a new use (except agricultural uses, temporary uses, home occupation level 1, neighborhood parks, single family residential, duplexes, and expansions of 250 square feet or less) shall install screening along the side and rear lot lines that abut any residentially zoned property and along any front setback abutting residentially zoned property (not abutting a street right-of-way or railroad right-of-way).
  - *The applicant is requesting not to screen along the property line.*

### **ADDITIONAL CONDITIONS**

Per UDO Section 11.2 (F) Additional Conditions. Specific additional conditions applicable to the rezoning request may be proposed by the applicant, the Planning Board, or Board of Commissioners. Only those conditions mutually approved by the county and the applicant may be incorporated into the permit requirements. If a proposed condition is unacceptable to the owner, the petition can be withdrawn and the proposed rezoning cannot go forward. Likewise, if a condition is unacceptable to the Board of Commissioners, the petition can be denied and there is no rezoning. Per NCGS 153A-342(B), conditions and site-specific standards shall be limited to those that address the conformance of development and use of the site to County ordinances and officially adopted plans and those that address the impacts reasonably expected to be generated by the development or use of the site.

### **RECOMMENDATION**

Staff recommends the Moore County Planning Board make two separate motions:

**Motion #1:** Make a motion to adopt or deny 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.

**Motion #2:** Make a motion to recommend approval or denial to the Moore County Board of Commissioners of the Conditional Rezoning from Rural Agricultural Conditional Use District - Mining (RA-CUD) to Rural Agricultural Conditional Zoning (RA-CZ) for a Land Clearing & Inert Debris Facility, located on a portion of 3 properties: ParID 20000071, 00990775, and 00013973, the total being approximately 15.17 acres, located adjacent to 310 Rubicon Road, West End.

### **ATTACHMENTS**

- Pictures of Property and Adjacent Properties
- Vicinity Map
- Aerial Map
- Land Use Map
- Rezoning Map
- Submitted Rezoning Application
- Submitted Site Specific Development Plan
- Planning Board Consistency Statement – Approval
- Planning Board Consistency Statement – Denial
- Community Meeting Sign In Sheet
- Deed Book 3117 Page 413
- Deed Book 3117 Page 416
- Deed Book 3117 Page 419.

**View of subject property from NC Hwy 73**



**Views of the NC Hwy 73 from Rubicon Road**





*Rubicon Road – Conditional Rezoning – Staff Report*

**Views of subject property and adjacent property**

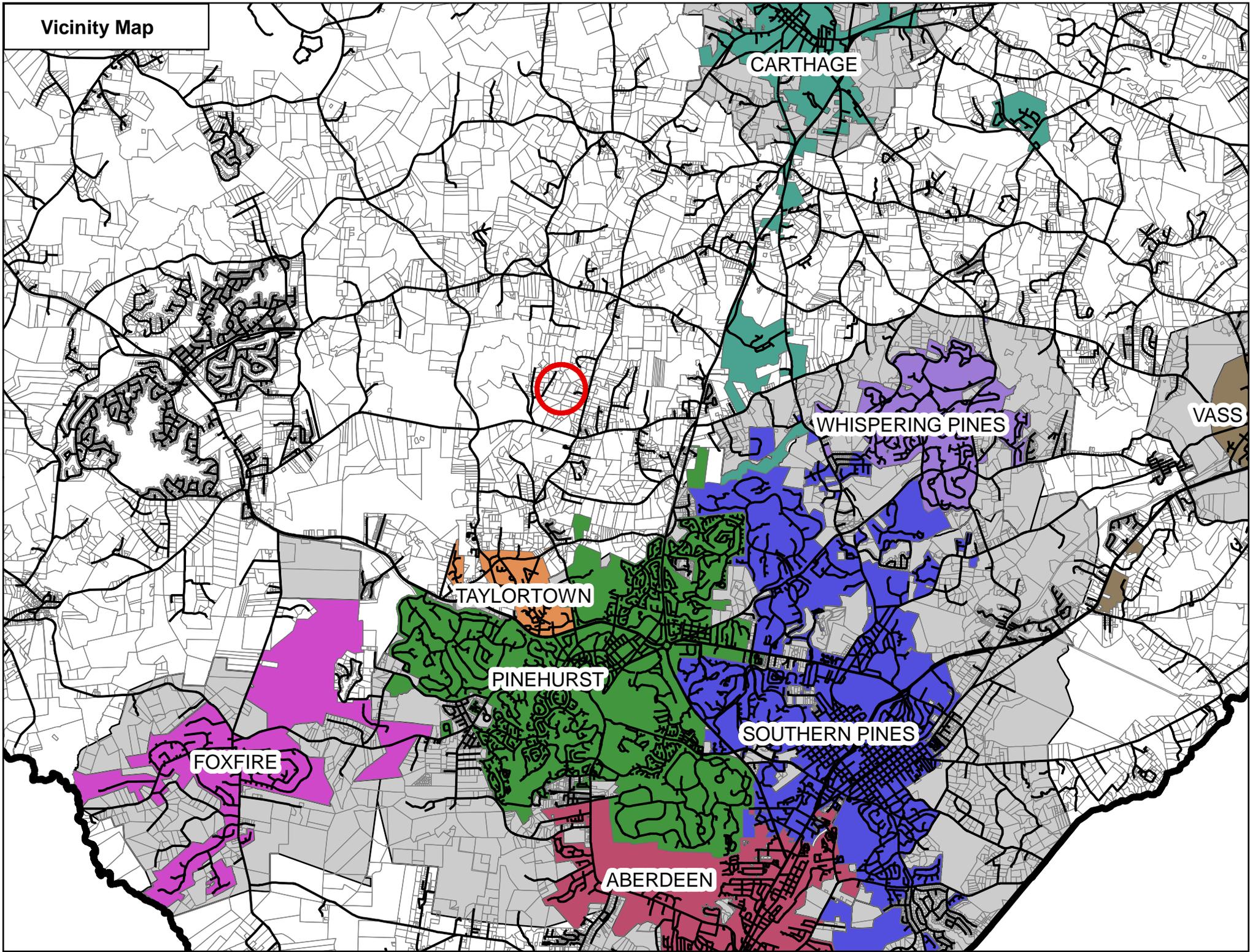


*Rubicon Road – Conditional Rezoning – Staff Report*



*Rubicon Road – Conditional Rezoning – Staff Report*

Vicinity Map



CARTHAGE

VASS

WHISPERING PINES

TAYLOR TOWN

PINEHURST

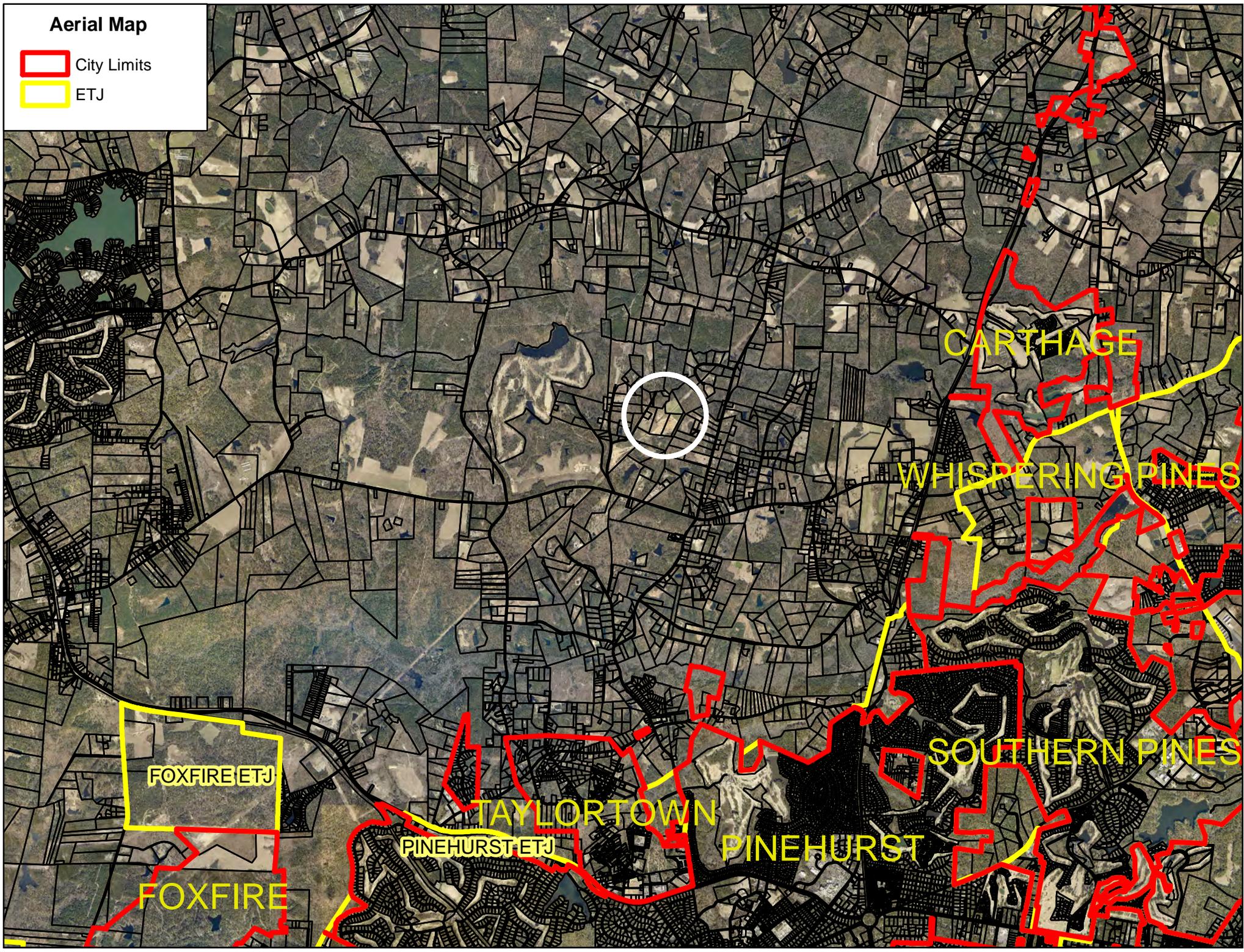
SOUTHERN PINES

FOXFIRE

ABERDEEN

**Aerial Map**

-  City Limits
-  ETJ



CARTHAGE

WHISPERING PINES

SOUTHERN PINES

TAYLOR TOWN

PINEHURST

FOXFIRE ETJ

PINEHURST ETJ

FOXFIRE

Land Use Map

Single Family Dwelling

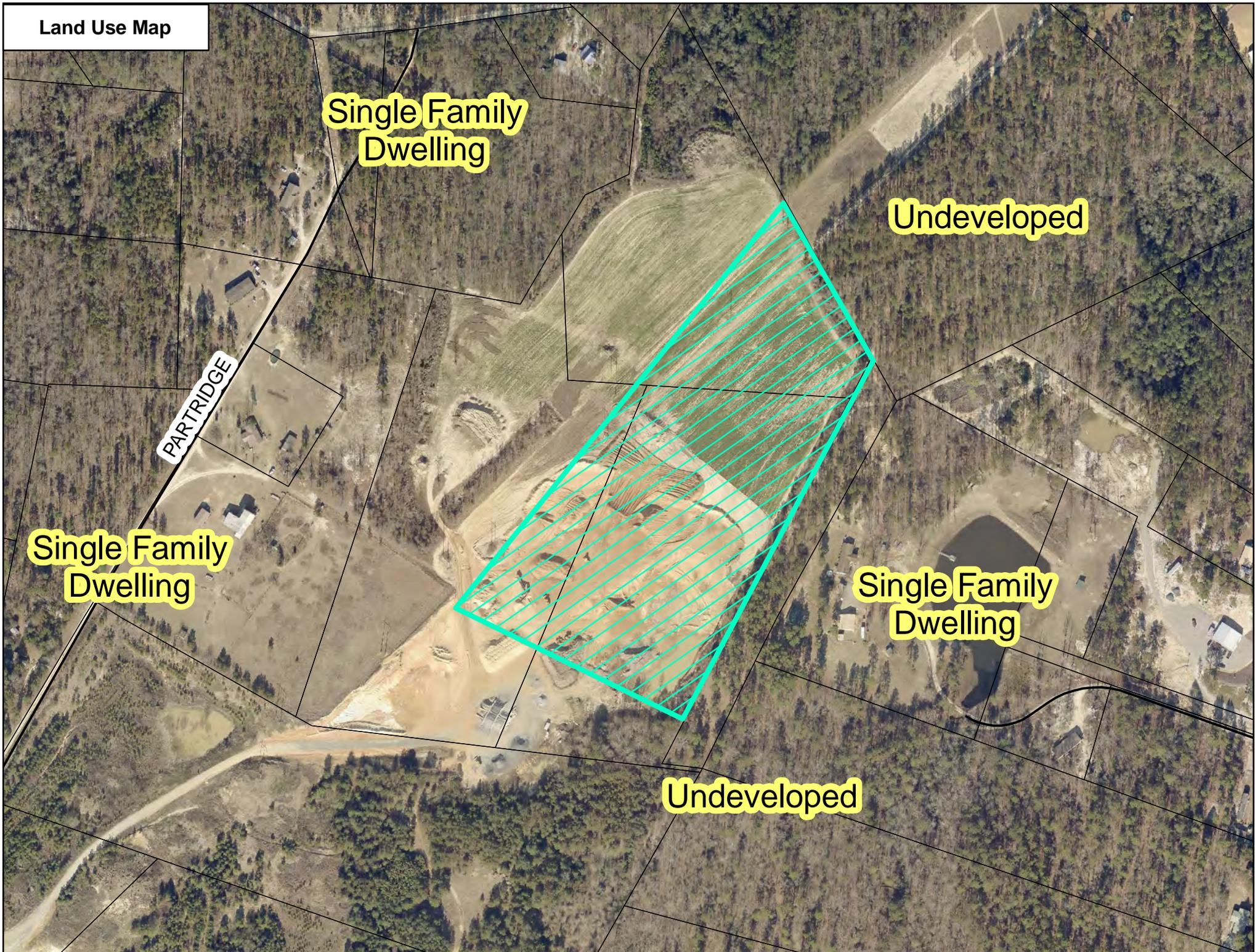
Undeveloped

PARTRIDGE

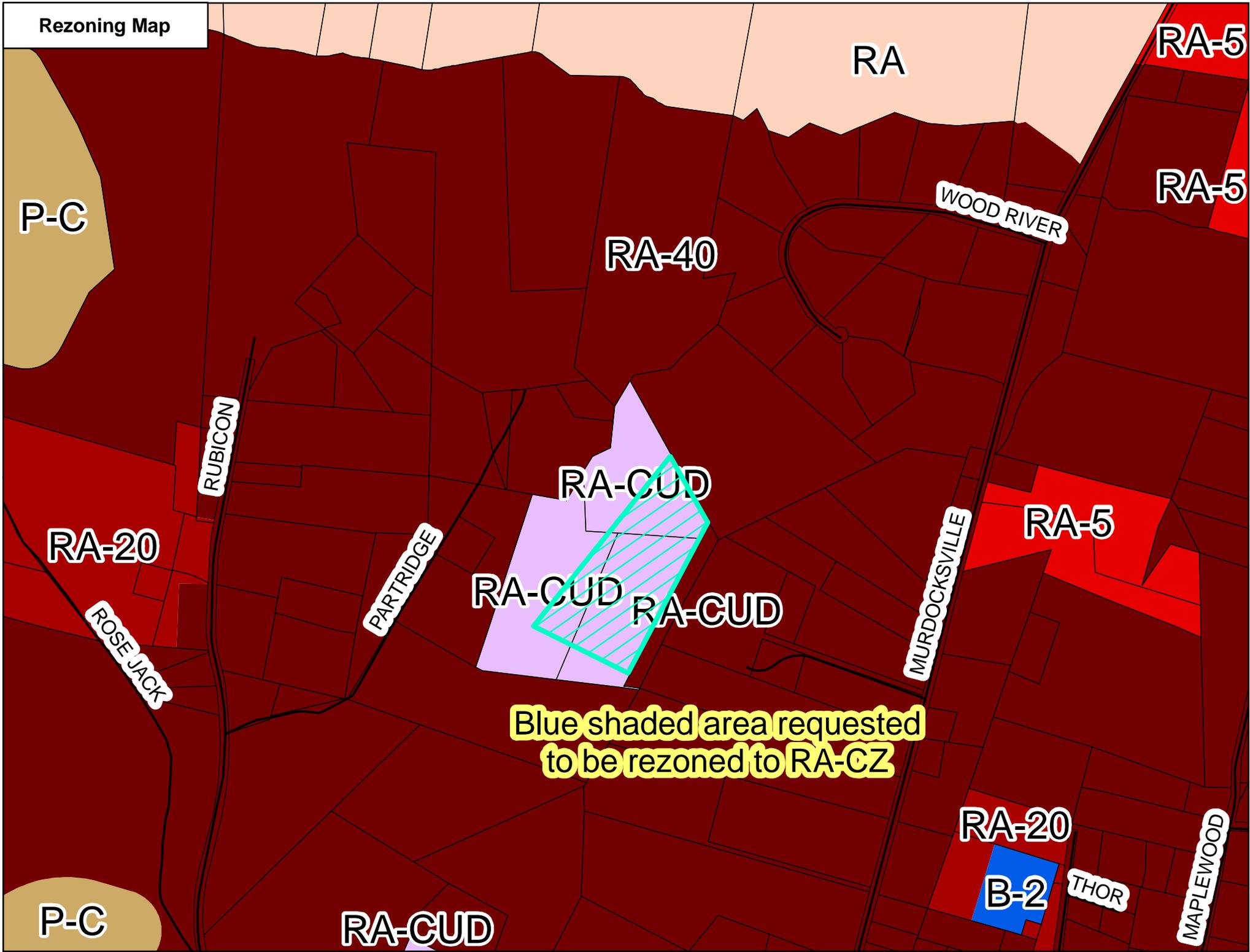
Single Family Dwelling

Single Family Dwelling

Undeveloped



Rezoning Map



Blue shaded area requested to be rezoned to RA-CZ

# County of Moore Planning and Transportation

25202



Inspections/Permitting: (910) 947-2221  
 Planning: (910) 947-5010  
 Transportation: (910) 947-3389

## Conditional Rezoning Application

Application Date:			
Address of Property: Parcel ID's :20000071,00013973, 00990775			
Applicant: Chad Harris		Phone: 910-947-5011	
Applicant Address: 4291 Dowd Road	City: Carthage	St: NC	Zip: 28327
Owner: Johnny Harris Trucking Inc		Phone: 910-947-5011	
Owner Address: 4291 Dowd Road	City: Carthage	St: NC	Zip: 28327
Current Zoning District: RA-CUD (mining)	Proposed Zoning District: RA-CZ		
Current Use(s): Mining/Land Clearing and Inert Debris Landfill	Proposed Use(s): Mining/Land Clearing and Inert Debris Landfill		
Proposed rules, regulations, condition(s) for the proposed district that address the impacts expected to be generated by the development or use of the site:			
Chapter 130A Article 9 of the North Carolina General Statutes			
Title 15A Subchapter 13B of the North Carolina Administrative Code (Solid Waste Management)			
This only allows mining and disposal of inert debris (ex. trees, concrete)			
Statement of reasonableness of the proposed conditional zoning. The statement shall include, but not be limited to the following:			
<ol style="list-style-type: none"> <li>1. The conditional rezoning compatibility with the County Land Use Plan and other adopted plans of the County.</li> <li>2. The conditional rezoning compatibility with the existing land uses on abutting and neighboring tracts.</li> <li>3. The benefits and detriments of the conditional rezoning for the subject property, neighboring properties and the surrounding community.</li> </ol>			
The existing use is comprised of (2) separate LCID sites located on adjacent properties (00990775 & 00013973).			
1. Compatibility with the County Land Use Plan will be maintained. The intent is to recombine the (2) existing LCID sites into one tract (15.17 Acres) with 100' buffer around perimeter.			
2. The proposed 15.17 Acre tract and proposed LCID landfill will be permitted through NCDEQ Solid Waste Management Division.			
3. Existing land uses on abutting and neighboring tracts will be maintained and no impact is anticipated			

I (We), the undersigned, certify that all statements furnished in this application are true to the best of my (our) knowledge, and do hereby agree to follow all reasonable requests or information as designated by the County of Moore Zoning Administrator.

Carl Han 3-6-19  
Applicant/Owner Signature Date

\_\_\_\_\_  
Applicant/Owner Signature Date

Office Use Only:

PAR ID: 20000071, 00990775, 00013973

Rebecca M. Pompton 4/2/2019  
Received By Date



**Moore County Planning Board**  
**Land Use Plan Consistency Statement**  
**Conditional Use Rezoning Request**  
**Residential and Agricultural-40 (RA-40) to**  
**Rural Agricultural Conditional Zoning (RA-CZ)**

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities)

- Recommendation 1.7: Support and promote local businesses
- Action 1.8.5: Support and promote infill development that will optimize the use of existing infrastructure.

2. The rezoning request is reasonable and in the public interest due to the need of Land Clearing and Inert Debris facilities in Moore County.

Therefore, the Moore County Planning Board recommends **APPROVAL** of the Conditional Rezoning request from Residential and Agricultural-40 (RA-40) to Rural Agricultural Conditional Zoning (RA-CZ) located on a portion of 3 properties: ParID 20000071, 00990775, and 00013973, the total being approximately 15.17 acres, located adjacent to 310 Rubicon Road, West End.

---

Eddie Nobles, Chair  
Moore County Planning Board

---

Date

**Moore County Planning Board**  
**Land Use Plan Consistency Statement**  
**Conditional Use Rezoning Request**  
**Residential and Agricultural-40 (RA-40) to**  
**Rural Agricultural Conditional Zoning (RA-CZ)**

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities)

- Recommendation 1.7: Support and promote local businesses
- Action 1.8.8: Support and promote infill development that will optimize the use of existing infrastructure.

2. The proposed rezoning is not reasonable and not in the public interest because the proposed rezoning will have an unreasonable impact on the surrounding community.

Therefore, the Moore County Planning Board recommends **DENIAL** of the Conditional Rezoning request from Residential and Agricultural-40 (RA-40) to Rural Agricultural Conditional Zoning (RA-CZ) located on a portion of 3 properties: ParID 20000071, 00990775, and 00013973, the total being approximately 15.17 acres, located adjacent to 310 Rubicon Road, West End.

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Eddie Nobles, Chair  
Moore County Planning Board

---

Date

Rubicon Rd - RA-CZ - LCID

Community Meeting

15-Apr-19

NAME

Address

Debra Ensminger

Moore County Planning Dept

Theresa Thompson

Moore County Planning Dept.

Johnny Harvie

4291 Powell Rd

Chad Harris

4459 Burdick Ln. Rd.

Scott Matthews (SMS)

180 Perry Dr. Southern Pines, NC





Tract 1

EXHIBIT "A"

Lot 2:

BEING ALL OF LOT#2 OF THE JOHN AND SARAH ALBERT DIVISION, CONTAINING 14 14 ACRES, MORE OR LESS AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEING IN MINERAL SPRINGS TOWNSHIP, MOORE COUNTY, NORTH CAROLINA, AND SITUATED ON THE NORTH SIDE OF THE LEA LAND, ON THE WEST SIDE OF THE MONROE LAND, ON THE SOUTH SIDE OF THE KIMBRELL AND WALDROP LANDS AND ON THE EAST SIDE OF THE HOPTON LAND, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT A POINT, A NEW CORNER, THE SAME BEING COMMON WITH THE SOUTHEAST CORNER OF THE HOPTON LAND AND IN THE LEA LINE, THENCE S 56 DEG 40 MIN 56 SEC E FOR A DISTANCE OF 35 36 FEET WITH THE LEA LAND TO AN IRON PIPE, THE SAME BEING COMMON WITH THE LEA LAND, THENCE S 80 DEG 56 MIN 30 SEC E FOR A DISTANCE OF 480 00 FEET WITH THE LEA LAND TO A POINT, A NEW CORNER, THE SAME BEING COMMON WITH THE MONROE LAND AND IN THE LEA LINE, THENCE N 25 DEG 38 MIN 07 SEC EAST FOR A DISTANCE OF 1049 56 FEET, AS A NEW LINE, WITH THE MONROE LAND TO A POINT, A NEW CORNER, THE SAME BEING COMMON WITH THE MONROE LAND AND IN THE KIMBRELL LINE, THENCE NORTH 83 DEG 13 MIN 36 SEC WEST FOR A DISTANCE OF 435 54 FEET WITH THE KIMBRELL AND WALDROP LANDS TO AN IRON PIPE, THE SAME BEING COMMON WITH THE WALDROP LAND, THENCE N 33 DEG 34 MIN 54 SEC EAST FOR A DISTANCE OF 202 13 FEET WITH THE WALDROP LAND TO AN IRON PIPE, THE SAME BEING COMMON WITH THE WALDROP LAND, THENCE N 76 DEG 45 MIN 42 SEC WEST FOR A DISTANCE OF 253 00 FEET WITH THE WALDROP LAND TO A POINT, A NEW CORNER, THE SAME BEING COMMON WITH THE HOPTON LAND AND IN THE WALDROP LINE, THENCE SOUTH 19 DEG 05 MIN 18 SEC WEST FOR A DISTANCE OF 1194 64 FEET, AS A NEW LINE, WITH THE HOPTON LAND TO THE BEGINNING, CONTAINING 14 14 ACRES, MORE OR LESS, AS COMPUTED BY THE COORDINATE METHOD AND BEING A PORTION OF LOT 1, R H MCKENZIE ESTATE BEING THE PROPERTY SURVYED DECEMBER 1, 1978, AND FROM CALCULATIONS AND VARIOUS MAPS BY CHARLES D WARD, PROFESSIONAL LAND SURVEYOR, N C NO L-1416

Tract 2 - McKenzie Land

Being all of that certain tract of land containing 1.03 acres as shown on plat thereof recorded in the office of the Register of Deeds of Moore County North Carolina in Plat Cabinet 13, Slide 427.





## Exhibit A.

That certain tract of land shown and designated as Tract No. 2 on a map entitled "Division of R. H. McKenzie Estate," made October 25, 1978, by Charles D. Ward, Registered Surveyor, which map is recorded in Plat Cabinet 1, Slide 157B, in the Office of the Register of Deeds of Moore County, North Carolina, said tract contains 42.44 acres and is the central portion of the R. H. McKenzie lands.

### Less + Except:

The following previously conveyed properties are excepted from the hereinabove described property:

1. 10.61 acres, more or less, as conveyed in that certain Deed dated April 29, 1986, from Mildred G. McKenzie, widow, to Douglas R. Waldrop, Sr., and wife, recorded in Book 546, Page 13, Moore County Registry.
2. 6.02 acres, more or less, as conveyed in that certain Deed dated December 12, 1994, from Mildred G. McKenzie to John G. Hopton and wife, recorded in Book 1051, page 59, Moore County Registry.
3. 10.01 acres, more or less, as conveyed in that certain Deed dated March 23, 1995, from Mildred Gunter McKenzie, widow, to Thomas Edward McKenzie, recorded in Book 1130, Page 76, Moore County Registry.
4. 1.86 acres, more or less, as conveyed in that certain Deed dated March 23, 1995, from Mildred Gunter McKenzie, widow, to John Hopton, recorded in Book 1143, Page 194, Moore County Registry.

5. 3.33 acres as described in Deed recorded in Deed Book 1587 at Page 468 Moore County Public Registry.



has the right to convey the fee simple title to the same, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, except as set out herein.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, the day and year first above written.

*Pamela A. Quick* (SEAL)  
Pamela A. Quick

*William Irvin Quick* (SEAL)  
William Irvin Quick

STATE OF NORTH CAROLINA,

COUNTY OF MOORE

I, *Paul B. Trevarrow*, a Notary Public in and for County of Moore, State of North Carolina, do hereby certify that **Pamela A. Quick and husband William Irvin Quick** personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and official seal, this the *20<sup>th</sup>* day of October, 2006.

SEAL

*Paul B. Trevarrow*  
Notary Public

My commission expires: *12/12/2009*

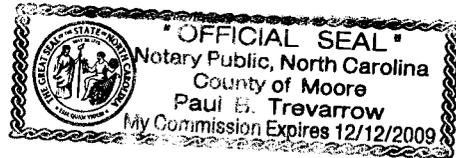


EXHIBIT "A"

DESCRIPTION OF  
MONROE  
PROPERTY

Being in Mineral Springs Township, Moore County, North Carolina, and situated on the west side of the Jackson land, on the south side of the Kimbrell land, on the east side of the Waldrop land and on the north side of the Lea land, and more particularly described as follows:

BEGINNING at and iron pipe and pine knot, the same being common with the Lea land and in the Jackson line, the same also being the southeast corner of the R.H. McKenzie Estate,

THENCE North 29 degrees 10 minutes 06 seconds East for a distance of 1098.80 feet with the Jackson land to an iron pipe and pine knot the same being common with the Kimbrell and Woods lands and in the Jackson line;

THENCE North 83 degrees 13 minutes 36 seconds West for a distance of 648.87 feet with the Kimbrell land to a point, a new corner, the same being common with the Waldrop land and in the Kimbrell line;

THENCE South 25 degrees 38 minutes 07 seconds West for a distance of 1049.56 feet, as a new line, with the Waldrop land to a point, a new corner, the same being common with the Waldrop land and in the Lea line;

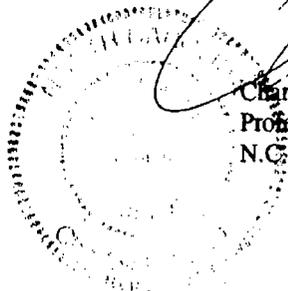
THENCE South 80 degrees 56 minutes 30 seconds East for a distance of 570.00 feet with the Lea land to the BEGINNING, containing 14.14 acres, more or less, as computed by the Coordinate Method and being a portion of the R.H. McKenzie Estate.

Being the same property as surveyed December 1, 1978, and from calculations and various maps by Charles D. Ward, Professional Land Surveyor, N.C. No. L-1416.

Said property is conveyed subject to the right-of-way boundary of the Carolina Power and Light Company transmission line.



Charles D. Ward  
Professional Land Surveyor  
N.C. No. L-1416



4487-3 M  
Dec. 28, 1999

**MEMORANDUM TO THE PLANNING BOARD**

**FROM:** Debra Ensminger  
 Planning and Transportation Director

**DATE:** April 5, 2019

**SUBJECT:** Unified Development Ordinance Text Amendment –  
 Equestrian Cottage

**PRESENTER:** Theresa Thompson

**REQUEST**

Lori Beale is requesting the below text amendments to the Moore County Unified Development Ordinance:

**Bold Text** – additions to the ordinance  
~~Strikethrough Text~~ - deletions from the ordinance

1. AMEND Chapter 6 (Table of Uses), Section 6.1 (Use Table), as follows:

COMMERCIAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
OFFICES & GENERAL SERVICES																
<b>Equestrian Cottage</b>							<b>CZ</b>									

2. ADD Chapter 8 (Special Use Standards), Section 8.28 (Equestrian Cottage), as follows:

**8.28 Equestrian Cottage**

- A. Definition. Equestrian cottages provide accommodations for visitors, with equestrian needs, to the “Horse Country” of Moore County.
- B. Standards. Accommodations are offered for the cottage for a period of less than 30 days per 60 day period for compensation. Cottages shall not include manufactured homes. There shall be no more than 2 cottages per property with the exception of a 3<sup>rd</sup> unit if the property is comprised of at least 11 acres of land. The permanent residence of the owner or the manager of the business may also be located on the property but shall be counted

as 1 of the total units permitted. Facilities related to the horse industry such as horse pastures, trails, run in sheds, barns, and stables may be permitted as accessory uses.

### **CONSISTENCY WITH THE ADOPTED 2013 LAND USE PLAN**

The Planning Board Consistency Statement which speaks to Land Use Plan goals is included for the Board's review and consideration.

### **RECOMMENDATION**

Staff recommends the Moore County Planning Board make two separate motions:

**Motion #1:** Make a motion to adopt the attached Moore County Planning Board Land Use Plan Consistency Statement (Approval) and authorize the Chairman to execute the document as required by North Carolina General Statute 153A-341.

**Motion #2:** Make a motion to recommend approval to the Moore County Board of Commissioners of the proposed text amendment to the Moore County Unified Development Ordinance.

### **ATTACHMENTS**

- Text Amendment Application
- RLUAC (Regional Land Use Advisory Commission) Review Letter
- Planning Board Consistency Statement – Approval

**County of Moore  
Planning and Transportation**



Inspections/Permitting: (910) 947-2221  
 Planning: (910) 947-5010  
 Transportation: (910) 947-3389

**TEXT AMENDMENT APPLICATION**

Application Date: <u>March 5, 2019</u>			
Applicant: <u>Lori Beale</u>		Phone: <u>919-869-7534</u>	
Applicant Address: <u>71 Bell Flower Ct.</u>	City: <u>Chapel Hill</u>	St: <u>NC</u>	Zip: <u>27516</u>
Please describe the proposed changes below (attached additional sheets if needed): <u>I am requesting a change to the UO to include the use of detached rooms from the owner occupied dwelling. A total of no more than 8 guests will be allowed during a given period. Each detached room will consist of a private bedroom, bath or shower, lavatory and kitchenette.</u> <u>- see page 2 -</u>			
I (We), the undersigned, certify that all statements furnished in this application are true to the best of my (our) knowledge, and do hereby agree to follow all reasonable requests for information as designated by the County of Moore Zoning Administrator.			
<u>Lori Beale</u>		<u>3.5.19</u>	
Applicant/Owner Signature		Date	
Applicant/Owner Signature		Date	
Office Use Only:			
PAR ID: <u>n/a</u>			
<u>Rebecca Thompson</u>		<u>3/5/2019</u>	
Received By		Date	

Page 2

Lori Beale

March 5, 2019

The idea is to provide patrons of the Walthour Mass Foundation an option to extend their stay beyond a one-day outing and encourage economic growth to surrounding communities. This specific property is located at 3222 Lakebay Road in Vass. This property has direct access to the Foundation and would also be able to accommodate their equestrian needs.

This specific property is zoned RE. I'm asking for a text change to allow equestrian cottages because of its immediate proximity to the Walthour Mass Foundation.



**MOORE COUNTY**  
**Proposed Text Amendments to the Unified Development Ordinance**  
**For Equestrian Cottages – Chapter 6, Section 6.1 & Chapter 8, Section 8.28;**  
**April 23, 2019**

The Regional Land Use Advisory Commission (RLUAC) staff and Board of Directors have reviewed the proposed text amendments (listed above) for the Moore County Unified Development Ordinance and find no conflicts with the recommendations contained in the recently completed and adopted 2018 Fort Bragg Joint Land Use Study.

Thank you for allowing RLUAC the opportunity to review these proposed changes.

John K. McNeill, Chairman

James Dougherty, Executive Director

**Moore County Planning Board**  
**Land Use Plan Consistency Statement**  
**Text Amendment - Unified Development Ordinance**

The Moore County Planning Board finds that:

1. The text amendment request is consistent with the following goals in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around municipalities):

- Recommendation 1.7: Support and promote local businesses.

Goal 4: Provide Information and Seek Citizen Participation:

- Action 4.1.1: Continue to support and implement easy to understand guidelines to incorporate throughout governmental departments.

2. The text amendment is consistent with the Goals listed above due to the compatibility of land use goals supporting local businesses and providing them with a transparent permitting process.

3. The text amendment is reasonable and in the public interest because the ordinance has been updated to meet current statutory requirements and be more user-friendly for use by the general public and development community..

Therefore, the Moore County Planning Board recommends **APPROVAL** of the text amendments to the Unified Development Ordinance, as proposed.

---

Eddie Nobles, Chair  
Moore County Planning Board

---

Date

**MEMORANDUM TO THE PLANNING BOARD**

**FROM:** Debra Ensminger  
 Planning and Transportation Director

**DATE:** April 5, 2019

**SUBJECT:** Unified Development Ordinance Text Amendments

**PRESENTER:** Theresa Thompson

**REQUEST**

Moore County Planning Staff is requesting the below text amendments to the Moore County Unified Development Ordinance:

**Bold Text** – additions to the ordinance  
~~Strikethrough Text~~ - deletions from the ordinance

1. AMEND Chapter 6 (Table of Uses), Section 6.1 (Use Table), as follows:

COMMERCIAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
<b>OFFICES &amp; GENERAL SERVICES</b>																
<del>Tourist Home</del> <b>Bed &amp; Breakfast</b>	<del>EZ</del> <b>EZ</b>	<del>EZ</del> <b>EZ</b>	<del>EZ</del> <b>EZ</b>	<del>EZ</del> <b>EZ</b>				<del>EZ</del> <b>EZ</b>	<del>EZ</del> <b>EZ</b>						8.31	R-3

**REASON.** Bed & breakfast is the common name of the use intended. Also, in response to advice given by the Institute of Government, regarding new case law (PHG Asheville, LLC v. City of Asheville), the use may be difficult to deny due to evidence presented, so is proposed to be changed to a “conditional rezoning” use which require a legislative decision versus quasi-judicial decision.

2. AMEND Chapter 6 (Table of Uses), Section 6.1 (Use Table), as follows:

RESIDENTIAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
Home Occupation, Level 2			<del>EZ</del> <b>EZ</b>	<del>EZ</del> <b>EZ</b>			<del>EZ</del> <b>EZ</b>		<del>EZ</del> <b>EZ</b>						8.12	R

Manufactured Home Park										€ Z						8.14	Mix
------------------------	--	--	--	--	--	--	--	--	--	-----	--	--	--	--	--	------	-----

COMMERCIAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group	
<b>ANIMAL SERVICES</b>																	
Animal Shelter									€ Z					P	8.20	B	
Animal Training Facility, Military									€ Z					P	8.21	B	
Kennels, Overnight									€ Z			€ Z	€ Z	P	8.22	B	
Pet Day Care, Grooming, Obedience Training									€ Z		P	P	P				
Veterinary Clinic							P		€ Z		P	P	P				
<b>RETAIL SERVICES</b>																	
Flea Market									€ Z			Z	P				

RECREATIONAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
Assembly Hall						Z			€ Z		Z		Z	P	8.76	A-4, A-5
Recreation, High Impact Outdoor									€ Z		€ Z		P		8.87	
Shooting Range, Indoor									€ Z				P		8.88	A-5
Shooting Range, Outdoor									€ Z				P		8.89	A-5
Zoo, Petting Zoo									€ Z				P		8.90	A-5, U

INDUSTRIAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group	
<b>UTILITIES / SERVICES</b>																	
Contractors Storage Yard and Office									€ Z				P	P	8.94	S-1, U	
<b>WASTE RELATED SERVICES</b>																	
Mining / Quarry Operation									€ Z					C	8.106	U	

**REASON.** In response to advice given by the Institute of Government, regarding new case law (PHG Asheville, LLC v. City of Asheville), uses that may be difficult to deny due to evidence presented, are proposed to be changed to “conditional rezoning” uses which require a legislative decision versus quasi-judicial decision.

3. AMEND Chapter 7 (General Development Standards), Section 7.11 (Non-Residential Screening), Subsection E (Location), as follows:

E. Location. The width of the screening shall be included as part of the required setback **and/or as a boundary buffer outside of the required setback**. Vegetation shall be located outside of the street right-of-way, utility or access easements, and on the exterior side of any fence.

**REASON**. Provides buffer options for larger tracts of land and clarifies that the vegetative buffer can surround the use within the property setbacks.

4. AMEND Chapter 8 (Special Use Standards), Section 8.31 (Tourist Home), Subsection A (Definition) and B (Standards) as follows:

### **8.31 ~~Tourist Home~~ Bed and Breakfast**

- A. Definition. Any dwelling occupied by the owner or operator in which not more than 8 guest room accommodations are offered for a period of less than 30 days per 60 day period for compensation, and where food may not or may be served ~~such as a bed and breakfast~~.
- B. Standards. The use must be located in a building that was constructed as a single family dwelling which is the permanent residence of the owner or the manager of the business. There shall be no less than 1 bathroom, consisting of a bath or shower, water closet, and lavatory for each 2 guestrooms, **with not more than one (1) guestroom permitted in an detached structure on the same property**. Meals may be provided to overnight guests only and no cooking facilities may be provided in guest rooms. No parking shall be allowed in any front yard. 1 parking space per unit, plus 1 space per employee on a normal shift.

**REASON**. Clarifies that one guest room may be located in an accessory structure.

5. AMEND Chapter 10 (Text Amendments & General Use Rezoning), Section 10.2 (Application Process), Subsection A (Submittal), as follows:

Submittal. Following a required pre-application conference with the Administrator and a Project Review Team meeting with all departments, as determined necessary by the Administrator, the completed application shall be submitted at least ~~30~~ 45 days prior to the Planning Board meeting at which it is to be heard. **The Planning Department shall have 7 days from the date of submittal to notify the applicant that the application is complete. If the Planning Department determines the information is not sufficient for review, the Department shall notify the applicant of the specific information that is required for review. The applicant shall correct the identified deficiencies, and resubmit to the Planning Department within 7 days.** Upon completion of the technical review, the Administrator shall prepare and forward the staff report any related application materials to the Planning Board.

**REASON**. The current 30 day review time period does not give planning staff adequate time to address deficiencies in order to meet internal deadlines.

6. AMEND Chapter 11 (Conditional Rezoning), Section 11.2 (Application Process), Subsection A (Submittal), as follows:

Submittal. Conditional rezoning applications shall be submitted by the owner or an agent with permission granted by the owner. Following a required pre-application conference with the Administrator and a Project Review Team meeting with all departments, as determined necessary by the Administrator, the completed application shall be submitted at least ~~30~~ **45** days prior to the Planning Board meeting at which it is to be heard and shall include the ~~following~~ **below list. The Planning Department shall have 7 days from the date of submittal to notify the applicant that the application is complete. If the Planning Department determines the information is not sufficient for review, the Department shall notify the applicant of the specific information that is required for review. The applicant shall correct the identified deficiencies, and resubmit to the Planning Department within 7 days.** Upon completion of the technical review, the Administrator shall prepare and forward the staff report any related application materials to the Planning Board.

REASON. The current 30 day review time period does not give planning staff adequate time to address deficiencies in order to meet internal deadlines.

7. AMEND Chapter 12 (Conditional Use Permits), Section 12.2 (Application Process), Subsection A (Submittal), as follows:

Submittal. Conditional use permit applications shall be submitted by the owner or an agent with permission granted by the owner. Following a required pre-application conference with the Administrator and a Project Review Team meeting with all departments, as determined necessary by the Administrator, the completed application shall be submitted at least ~~30~~ **45** days prior to the Board of Commissioners meeting at which it is to be heard and shall include a site specific development plan prepared in accordance with Section 4.2(C) and proposed phasing, if any, and approximate completion time for the project. **The Planning Department shall have 7 days from the date of submittal to notify the applicant that the application is complete. If the Planning Department determines the information is not sufficient for review, the Department shall notify the applicant of the specific information that is required for review. The applicant shall correct the identified deficiencies, and resubmit to the Planning Department within 7 days.** Upon completion of the technical review, the Administrator shall prepare and forward the staff report, site plan, and any related application materials to the Board of Commissioners.

REASON. The current 30 day review time period does not give planning staff adequate time to address deficiencies in order to meet internal deadlines.

#### **CONSISTENCY WITH THE ADOPTED 2013 LAND USE PLAN**

The Planning Board Consistency Statement which speaks to Land Use Plan goals is included for the Board's review and consideration.

## **RECOMMENDATION**

Staff recommends the Moore County Planning Board make two separate motions:

**Motion #1:** Make a motion to adopt the attached Moore County Planning Board Land Use Plan Consistency Statement (Approval) and authorize the Chairman to execute the document as required by North Carolina General Statute 153A-341.

**Motion #2:** Make a motion to recommend approval to the Moore County Board of Commissioners of the proposed text amendment to the Moore County Unified Development Ordinance.

## **ATTACHMENTS**

- Planning Board Consistency Statement – Approval

**Moore County Planning Board**  
**Land Use Plan Consistency Statement**  
**Text Amendment - Unified Development Ordinance**

The Moore County Planning Board finds that:

1. The text amendment request is consistent with the following goals in the 2013 Moore County Land Use Plan:

Goal 4: Provide Information and Seek Citizen Participation:

- Action 4.1.1: Continue to support and implement easy to understand guidelines to incorporate throughout governmental departments.

2. The text amendment is consistent with the Goals listed above due to providing the public with a transparent permitting process.

3. The text amendment is reasonable and in the public interest because the ordinance has been updated to meet current statutory requirements and be more user-friendly for use by the general public and development community.

Therefore, the Moore County Planning Board recommends **APPROVAL** of the text amendments to the Unified Development Ordinance, as proposed.

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Eddie Nobles, Chair  
Moore County Planning Board

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Date