

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

**Board Members Present:** Rich Smith (Chair), Aaron McNeill (Vice Chairman), Gene Horne, Eddie Nobles, David Lambert, Joseph Garrison, Scott McLeod

**Board Members Absent:** Buck Mims

**Staff Present:** Debra Ensminger, Planning Director  
Brenda White, Deputy County Attorney  
Theresa Thompson, Senior Planner  
Lydia Cleveland, Administrative and Transportation Program Manager

**CALL TO ORDER**

Chairman Rich Smith called the meeting to order.

**INVOCATION**

Vice Chairman Aaron McNeill offered the invocation.

**PLEDGE OF ALLEGIANCE**

Board Member Scott McLeod lead in the reciting of the Pledge of Allegiance.

**MISSION STATEMENT**

Board Member Joseph Garrison 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 7, 2015
- C. Consideration of Abstentions

Board Member Gene Horne motioned to approve the Consent Agenda and the motion was seconded by Board Member Garrison. The motion passed unanimously (7-0).

## **PUBLIC HEARING(S)**

Chairman Smith asked the Board if he could be recused from the public hearing due to a conflict of interest. Board Member Horne made a motion to recuse Chairman Smith from the public hearing. The motion was seconded by Board member Garrison and the motion passed unanimously (6-0) (*Chairman Smith did not vote.*)

Prior to beginning the public hearing Board Member Garrison made a motion to adjourn as the Moore County Planning Board and reconvene as the Moore County Watershed Review Board. The motion was seconded by Board Member Horne and the motion passed unanimously (6-0) (*Chairman Smith did not vote.*)

Vice Chairman McNeill introduced the public hearing as the following.

**The applicant, CP6 Investments, LLC, is seeking a Special Non-residential Intensity Allocation (SNIA) to increase the maximum built-upon area to 57 % on ParID 20050739, owned by CP6 Investments, LLC, located on Juniper Lake Road near the intersection of NC Hwy 211, to construct a new gym/office building, driveway, and associated parking.**

Senior Planner Theresa Thompson stated the following as part of her presentation.

“The representative for CP6 Investments, LLC, Scott Brown, is here to request to increase the maximum built upon area to 57.4% on a 2.25 acre tract of land located on Juniper Lake Rd. near the intersection with NC Hwy 211. The request to build a new gym and office building, driveway, and parking lot. The property is located in the Balance of Watershed III Nick’s Creek Overlay District. This type of watershed district allows up to 24% built upon area except through approval of a SNIA which you can approve up to 70% built upon area. The applicant is requesting 57.4%. Prior SNIA approvals include an adjacent parcel that received SNIA approval this past October for a proposed Dollar General. This project is 1.92 acres. Approvals beyond that include 2.26 acres for Shining Stars Day, 14.54 acres for Pinehurst First Baptist, and 4.15 acres for the Senior Center located on 15-501. So far, a total 11 SNIAs have been approved in the Nick’s Creek Watershed for a total of 38.18 acres leaving a balance of 365.18 acres for future allocations. State law requires 10% to be set aside of the total 403.36 acres for public projects such as schools and utility stations which equals to 40.34 acres so that amount does not decrease. After the 40.34 acres allocation is subtracted from the total, there is a remaining 324.85 acres of land. If this SNIA is approved which is based on the project size of 2.25 acres of land there will be a remaining 322.60 acres of land. The applicant has spoken with Public Utilities and will tap on to county water. The applicant is working with Environmental Health in receiving septic approval. The applicant has received NCDOT Driveway permit approval. The site plan meets all required standards of the Moore County UDO. The property is zoned B-2 Highway Commercial which allows for retail uses by right. The applicant submitted the stormwater control plans illustrating a retention pond being located under the parking lot located behind the main structure. Mr. Brown also included in the packet a letter stating the storm water plan is designed in

accordance with the NCDENR Stormwater best management practice manual. The applicant meets all UDO requirements for SNIA approval and therefore staff recommends approval of the SNIA request.”

Board Member Horne asked for clarification that the retention pond is under the parking lot. Ms. Thompson stated yes and that this is the same design as the Dollar General.

Scott Brown of 409 Chicago Drive, Fayetteville represented the client to answer questions from the Board.

Board Member McLeod asked how the retention pond handles sediment build up. Mr. Brown stated that there are drainage inlets in the parking lot that act like a filter and whenever they fill up they are replaced.

Board Member McLeod asked if sediment is built up in the filters does it run into the retention field. Mr. Brown stated that the water will still get through it; it will just get through it slower. Checking the filters is also part of the maintenance agreement to routinely be replaced.

Board Member McLeod asked if they are not changed does the retention pond or field lose effectiveness and have run off. Mr. Brown stated yes this is correct, they would have to be maintained and switched out as time goes by. Board Member McLeod asked whose responsibility is it to maintain the filters. Mr. Brown stated it would be the landowner’s responsibility, and Board Member McLeod asked who checks to make sure the landowner is changing the filter.

Ms. Thompson stated that the county does not have a Stormwater Control program so we do not have anyone on staff that is qualified to check. Mr. Brown explained that the state requires an annual inspection.

Board Member McLeod asked if the lot that is currently under review and the two lots to the south are graded towards 211. Mr. Brown stated that they are naturally draining towards 211.

Board Member McLeod asked for clarification because diagram C 2.0 shows the lot directly to the south appears to be a single lot but on another aerial photo it is three separate lots. Mr. Brown confirmed that these three lots have been recombined and this is the Dollar General Lot. Board Member McLeod asked how much impervious surface this lot contains. Mr. Brown stated it is around the upper 40’s. Board Member McLeod asked if the lot is no longer wooded like the photographs and Mr. Brown confirmed the lot is being cleared right now. *(Board Member McLeod and Mr. Brown were discussing a previous SNIA request)*

Board Member McLeod stated that since there is not a policy in place by the County, if you have two owners who are not looking at their filters, you will have two lots that are graded to 211 that could potentially dump a tremendous amount of water down 211. Mr.

Brown stated this is correct and I don't think the applicant would have any problems with requiring annual inspections at this site.

Board Member Garrison asked for clarification if there is already a state requirement in place. Mr. Brown stated it is the State but they do not have any way of enforcing these and that is why it falls back to the local level as far as tracking. Mr. Brown further stated that Moore County is not a tipped county so by default Moore County does not fall under the State Stormwater rules only because it is a water supply watershed did the Stormwater things trigger and it is not a phase 2 Stormwater requirement.

Vice Chairman McNeill asked if there were any further questions.

Board Member McLeod asked what we would need to do to require the landowner to submit an annual report. Ms. Thompson explained that this type of approval is administrative and I am not sure if the UDO has stipulations where you can provide additional conditions.

Board Member Garrison stated that we did not have an additional requirement for Dollar General so maybe going forward but now may not be the appropriate time.

Vice Chairman McNeill stated that there are a lot of projects like this going on and I don't think you have any issues once the job is complete. This is because it will be paved or concrete, there will be curb and gutter, there will be catch basins put in place near these filters. The only time you are going to have a problem is during the construction phase and during this time everything is inspected every month by DENR.

Board Member David Lambert made a motion to approve the Special Non-residential Intensity Allocation (SNIA) on the parcel known as ParID 20050739. The motion was seconded by Board Member Gene Horne and the motion passed unanimously (6-0) (*Chairman Smith did not vote.*).

Board Member Lambert made a motion to adjourn as the Moore County Watershed Review Board and reconvene as the Moore County Planning Board. The motion was seconded by Board Member Garrison and the motion passed unanimously (6-0) (*Chairman Smith did not vote.*).

## **WORK SESSION**

Chairman Smith re-entered the Planning Board Meeting.

Ms. Thompson reviewed three article topics during the work session. These topics included Flood Damage Prevention, Manufactured Home Parks, and Planned Unit Developments.

Ms. Thompson explained that in the Flood Damage Prevention Ordinance staff is recommending two changes. These changes include a reduction in the amount of

elevation certificates required from 3 to 2 and an increase of the freeboard from 2 to 3 feet.

Board Member McLeod asked if there is a standard in regards to the freeboard height. Ms. Thompson explained that the standard is 2. The Board members discussed this change and recommended that it stay at 2 feet. Board Member Smith asked for information regarding the areas that do not have a flood plain elevation when a certificate is required.

Ms. Thompson explained that most of the language in the Manufactured Home Parks article remained the same except for two changes. These recommended changes include making the Manufactured Home Process completely legislative rather than quasi judicial in order to reduce the amount of requirements and decreasing the density from 4 dwelling units per acre to 2 dwelling units per acre.

Ms. Thompson explained that the main change within the Planned Unit Developments was a reduction in the amount of language used but the content is the same and Ms. Thompson showed an example of a Planned Unit Development approved in the past.

Board Member Scott McLeod commended Ms. Thompson on decreasing the amount of pages of each article.

Ms. Thompson explained that next month the work session will cover Table of Uses and Specific Use Standards.

#### **OTHER BOARD MATTERS**

No other board matters were discussed.

#### **PLANNING DEPARTMENT REPORTS**

Planning Director, Debra Ensminger gave the Board an update on Pineforest and explained that next month a Conditional Use District will be on the agenda next month.

#### **BOARD COMMENT PERIOD**

Chairman Smith asked that everyone keep Ms. Ensminger in your prayers due the passing of her father earlier in the week.

#### **ADJOURNMENT**

Board Member Garrison made a motion to adjourn. The motion was seconded by Board Member Horne. The motion passed unanimously (7-0)

Respectfully submitted by,

Lydia Cleveland