

**MINUTES**  
**MOORE COUNTY PLANNING BOARD**  
**THURSDAY, AUGUST 3, 2017 6:00 PM**  
**MOORE COUNTY HISTORIC COURTHOUSE – 2<sup>nd</sup> FLOOR**

**Board Members Present:** Eddie Nobles (Chairman), Joseph Garrison, John Cook, David Lambert, Harry Huberth, Bobby Hyman, Jeffrey Gilbert

**Board Members Absent:** Aaron McNeill, Matthew Bradley

**Staff Present:** Debra Ensminger, Planning Director  
Brenda White, Deputy County Attorney  
Theresa Thompson, Senior Planner  
Darya Cowick, Planner  
Stephanie Cormack, Administrative Assistant

**CALL TO ORDER**

Chairman Eddie Nobles called the meeting to order at 6:00 pm.

**INVOCATION**

Board Member John Cook offered the invocation.

**PLEDGE OF ALLEGIANCE**

Board Member Bobby Hyman led in citing of the Pledge of Allegiance.

**MISSION STATEMENT**

Board Member Harry Huberth 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 , 2017
- C. Consideration of Abstentions

Board Member Joe Garrison made a motion to approve the consent agenda. The motion was seconded by Board Member John Cook and the motion passed unanimously (7-0).

## **ELECTION OF VICE CHAIR**

Board Member Harry Huberth made a motion to nominate Joe Garrison as Vice Chair. The motion was seconded by Board Member John Cook. Joe Garrison accepted the Vice Chair nomination and the motion passed unanimously (7-0).

## **PUBLIC HEARING(S)**

Chairman Nobles opened Public Hearing #1

“William & Tracy Dowd are requesting a Conditional Use Permit for the use of a 5-unit Bed & Breakfast in a single family residence located at 4494 NC Hwy 73, West End NC.”

Senior Planner Theresa Thompson presented to the Board a request made by William & Tracy Dowd to open a 5 unit Bed & Breakfast with an accessory horse barn for their single family residence located at 4494 NC Hwy 73, West End. Adjacent land uses include undeveloped property, a single family dwelling, and a water system installation business. William & Tracy Dowd will occupy the 1<sup>st</sup> floor of the two story home with the Bed & Breakfast located on the second floor providing three (3) bedrooms for guest; two additional bedrooms will be located on the second floor of the future horse barn. The horse barn would be constructed adjacent to the home. A meeting has been conducted with Moore County Fire Marshall, Environmental Health Department, Building Inspection department and the landowner to go over what is required to obtain all necessary permits. The building, site and proposed uses are in compliance with UDO standards. Staff recommends board to endorse the Board of Commissioners to approve or deny the conditional use request. The UDO requires four (4) findings of fact to be met; any denial would need to indicate what finding is not and how it is not met.

Vice Chair Joe Garrison inquired whether there would be any annual health inspections requirements.

Senior Planner Theresa Thompson explained to the board that yes there are very specific standards that has to be met especially for the kitchen area.

Ms. Thompson explained to the board that with this being a conditional use they would have to go through the quasi-judicial procedures and hear any comments of those that would like to speak.

Chair Eddie Nobles asked Mary Graham to approach the podium whom has requested to speak at the Public Hearing.

Mary Graham approached the podium and explained to the board that she owns the property located at 5099 NC Hwy 73 in West End and does not know the applicants William & Tracy Dowd and has nothing against them. However, Ms. Graham does have some concerns as there are no more than residential homes in the surrounding areas and

what would stop others in the area from doing the same thing. Ms. Graham also mentioned there is adequate lodging in the area except during the US Open. She is aware there are high dollar homes in the area which are zoned agriculture which is also a concern for her as there could be complaints of livestock or agricultural practices. Ms. Graham is concerned about the surrounding property values and this would not enhance them in any way.

Chair Eddie Nobles appreciates Ms. Grahams concerns and explained the processes how the board determines their findings. These findings/conditions are as follows: 1) the use does not injure public health or safety, 2) the use meets all required conditions and specifications. Mr. Nobles agreed that it does meet all required conditions and specifications. 3) The use does not substantially endanger adjacent property values, 4) the use is in harmony with the surrounding area and is compatible with the surrounding neighborhood and 5) the use is in general conformity with the approved Moore County Land Use Plan. Based on this process Mr. Nobles asked if anyone from the board had any questions or concerns.

Planning Board Member John Cook inquired about the current zoning for the property?

Senior Planner Theresa Thompson explained the property is zoned RA-5 and this would be a Conditional Use for that zoning. Surrounding properties are zoned RA-40, RA-2, RA, and B-2 which is highway commercial. With this type of Bed and Breakfast this is the only location as this is a more rural setting which would require a conditional use. Ms. Thompson explained if one of the four (4) conditions is not met then the board has to approve the request.

Planning Board Member David Lambert inquired if the horse barn is to be built?

Ms. Thompson explained “Yes” the horse barn would be considered as an accessory building which is permitted by right in any district within Moore County zoning. The horse barn would have five (5) horse stalls located below the 2 bedroom living quarters located on the second floor. Guest would have the option to bring their own horse and board them during their stay.

Vice Chair Joe Garrison doesn't see any reason why this should not be approved as there will be routine inspections and all conditions have been met. Mr. Garrison made a motion to endorse the Moore County Board of Commissioners to approve the Conditional Use Permit as requested by William and Tracy Dowd for the use of a 5-unit Bed & Breakfast in a single family residence located at 4494 NC Hwy 73, West End NC. The motion was seconded by Board Member Harry Huberth, the motion passed unanimously 7-0.

Chairman Nobles opened Public Hearing #2

Moore County Staff is requesting to update some of the Text Amendments to the approved Unified Development Ordinance.

Senior Planner Theresa Thompson explained to the board after reviewing the approved Unified Development Ordinance it was noted changes should be made due to grammatical errors and the need for an easier interpretation.

Chair Eddie Nobles would like Ms. Thompson to go over the major verbiage changes that are requested, as the grammatical errors are straight forward and feels no explanation is needed.

Senior Planner Theresa Thompson and staff recommends adding a sentence to the intent Rural Agricultural (RA) district to accommodate for non-residential uses, which the majority would require board approval. Some past uses that had once been removed from the RA district would be brought back into the RA zoning. One is being different levels of Group Care facilities which would require Planning Board approval as well as Board of Commissioner approval.

Vice Chair Joe Garrison asked as to why these items were removed and the history why they were removed from the Unified Development Ordinance.

Senior Planner Theresa Thompson explained initially when looking at each zoning district the intent was to keep RA as residential as possible and the business zoning business. However, when looking at B-1 zoning which is for businesses there was a possibility of spot zoning. Staff feels for legality purposes Group Care facilities would be best kept in the RA zoning district. Group Care facilities would require a Conditional Use Permit and board approval.

Vice Chair Joe Garrison thanked Ms. Thompson for the explanation.

Senior Planner Theresa Thompson continued to explain that the majority of the requested changes would require a Conditional Use Permit and some may require additional review for higher land use impact or Z zoning. Florist, hospitals, and low impact recreational use would be permitted by right and not need to go before the board for approval. Staff is also recommending the increase to sign square footage to accommodate temporary sign uses.

Planning Board Member Harry Huberth asked what the current time frame is for temporary signs.

Senior Planner Theresa Thompson indicated in the current Unified Development Ordinance temporary signs are allowed for up to 30 days.

Ms. Thompson expressed the county has received several complaints about the use of POD type structure and their use of becoming more of a permanent use. Currently the intent is for these to be a temporary use, however without more clear language this is something that is hard to enforce. With the new language POD type structures would be allowed without a zoning permit and be limited to after 6 months of use. Truck tractor trailers would not be allowed as a permitted building use on the property.

Vice Chair Garrison asked for further clarification on the use of a truck tractor trailer.

Ms. Thompson explained if a truck tractor trailer is on a property empty then that was an acceptable use however if being used for storage then that is when there would be a problem. The language would be in place only if someone were to complain about these items on a property.

Vice Chair Garrison currently doesn't understand why this would be an issue whether or not the truck trailer was empty or used as storage. If someone were to complain they would complain regardless of the content. Mr. Garrison understands the POD type structure language but disagrees with the tractor truck trailer language.

Planning Board Member Harry Huberth feels the truck trailer language needs to be more specific.

Planning Director Debra Ensminger explained to the board that the County is complaint driven; if a complaint is received then the County would have to address the issue. If a tractor truck trailer is being used as an accessory building then it does not meet the building code definition.

Planning Board Member David Lambert would like to know how this would affect owners that would like to convert shipping containers into living quarters.

Planning Director Ms. Ensminger explained for a shipping container to be converted then an engineer drawing would need to be submitted for that project.

Planner Board Member John Cook would like to know how this would affect storage containers used for pine straw storage.

Planning Director Ms. Ensminger explained this language would only apply to residential accessory buildings in residential zoned areas not commercial. Staff will update the language defining out specifically what is intended for all shipping containers.

All board members agreed this would be the best route to take.

Senior Planner Ms. Thompson presented the next item regarding special event signs, temporary signs and the time they are permitted for use.

Vice Chair Garrison would like this language to be more specific.

Planning Board Member Harry Huberth would like to know exactly what temporary means as it should be clearer so there is no gray for interpretation.

Senior Planner Ms. Thompson will update this language to be more specific.

Planning Board Member Harry Huberth inquired about the language change for water and sewer options.

Senior Planner Ms. Thompson explained the update is to specify the amount of lots that could connect to public sewer or water which is a state regulation.

Vice Chair Garrison made a motion to adopt the Moore County Land Use Plan Consistency statement and approval or denial to authorize the chair to execute the document. Motion was second by John Cook the motion passed unanimously 7-0.

Vice Chair Garrison made a motion to recommend approval of the Moore County Unified Development Ordinance Text Amendments provided with conditions to specify language regarding truck trailers verses storage. Motion was second by John Cook the motion passed unanimously 7-0.

### **OTHER BOARD MATTERS**

No other board matters were discussed.

### **PLANNING DEPARTMENT REPORTS**

Ms. Ensminger welcomed Mr. Gilbert whom has replaced Gene Horne. Informed the board all members would receive a letter from the BOC Chair of the importance of attendance to ensure a quorum.

Ms. Ensminger welcomed Planner Darya Cowick to Moore County staff. Also, passed on to the board Bobby Hyman and Eddie Nobles were re-appointed by the Board of Commissioners to serve another term on the Planning Board. Congratulated Eddie Nobles on his appointment of Planning Board Chair and Joe Garrison as Vice Chair.

### **BOARD COMMENT PERIOD**

No other board comments were discussed.

### **ADJOURNMENT**

Vice Chairman Garrison made a motion to adjourn the August 32, 2017 regular meeting. The motion was seconded by Board Member John Cook and the motion passed unanimously 7-0.

Respectfully submitted by,

Stephanie Cormack