

MOORE COUNTY PLANNING BOARD
THURSDAY, November 1, 2018 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd 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 October 4, 2018
- C. Consideration of Abstentions

III. PUBLIC HEARINGS

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

IV. PLANNING DEPARTMENT REPORTS - Debra Ensminger

1. Subdivision update

V. BOARD COMMENT PERIOD - Chairman Nobles

VII. UPCOMING EVENTS

- Tuesday, November 6, 2018 5:30 PM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage
- Tuesday, November 20, 2018 5:30 PM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage
- Tuesday, December 3, 2018 5:30 PM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage
- **Thursday, December 6, 2018 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 4th 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 5th day of May, 2011 by a 9 to 0 vote of the Moore County Planning Board

**MINUTES
MOORE COUNTY PLANNING BOARD
THURSDAY, OCTOBER 4, 2018 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd FLOOR**

Board Members Present: Joe Garrison (Vice Chair), Harry Huberth, David Lambert, John Matthews, Bobby Hyman, John Cook, Matthew Bradley

Board Members Absent: Jeffrey Gilbert, Eddie Nobles (Chair)

Staff Present: Debra Ensminger, Planning Director
Tron Ross, County Attorney
Theresa Thompson, Planning Supervisor
Darya Cowick, Planner
Stephanie Cormack, Administrative Officer

CALL TO ORDER

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

INVOCATION

Board Member John Matthews offered the invocation.

PLEDGE OF ALLEGIANCE

Board Member David Lambert led in citing of the Pledge of Allegiance.

MISSION STATEMENT

Board Member Matthew Bradley 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 September 6, 2018
- C. Consideration of Abstentions

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

PUBLIC HEARING

Public Hearing #1 – General Use Rezoning Request Neighborhood Business (B-1) to Residential and Agricultural-40 (RA-40)

Planning Supervisor Theresa Thompson presented to the Board a request from Tammy Allred Forest requesting a General Use Rezoning from Neighborhood Business (B-1) to Residential and Agricultural-40 (RA-40) of an approximate 6.21 acre parcel, located at 3221 Vass-Carthage Rd and adjacent to Bibey Rd., owned by Tammy Allred per Deed Book 2015E, Page 629.

Mrs. Thompson went over the item within the packet pointing out the site is located near the Village of Whispering Pines providing practically, easy access and reduced travel times to nearby towns.

Vice Chair Garrison opened the public hearing calling upon the following individuals signed up to speak during the public hearing.

- Gerard Forest - 437 Avenue of the Carolina's, Mr. Forest and his wife Tammy own the property located at 3221 Vass-Carthage Rd. This property has been on the market for sale listed as commercial land with no interested buyers and would like to rezone to residential for future use.
- Pete Mace-170 Pines Barrens Vista, Southern Pines. Mr. Mace is a real estate broker who has had the property listed as business for over a year with little interest. Mr. Mace feels rezoning the property to residential would be a better use.
- Mia Thompson-629 Bibey Rd., Mrs. Thompson and her neighbors have a great concern about the potential increase in traffic on Bibey Rd. Ms. Thompson inquired if the property is allowed to be rezoned residential how many homes could be placed on that site. Ms. Thompson also presented a letter written by Tim & Renee Short's as they were not able to attend the meeting opposed to the request, letter attached as "Exhibit A".
- Tim Allred-owns the property adjacent to the applicant at 3193 Vass-Carthage Rd., Mr. Allred's is not for the request and is concerned how the rezoning could potentially affect his business in the future.

Vice Chair Garrison requested Theresa Thompson to explain the potential subdivision process that could impact this particular lot.

Mrs. Thompson provided the board the following information. If rezoned RA-40 the minimum lot size is 40,000sf and could subdivide up to four (4) lots every three (3) years unless the applicant installs a Department of Transportation Road (DOT). However, with a pond located on the lot a major subdivision would be unlikely and would allow a minor subdivision up to 4 lots each requiring 100 foot of road frontage.

Board Member Matthews inquired if a major subdivision was possible if the property owner were to obtain adjacent properties.

Mrs. Thompson concurred this was a possibility.

Board Member Lambert noted if the property continued with the B-1 zoning there could be a future potential for an increase of traffic in that area.

Board Member Huberth inquired if the current adjacent business would be required to adhere to the screening requirements.

Mrs. Thompson mentioned the current business adjacent to the rezoning request would be vested and not required to install screening.

With no further discussion Vice Chair Garrison closed the public hearing.

Board Member Matthew Bradley made a motion to adopt one of the attached Moore County Planning Board Land Use Plan Consistency Statements approve and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341. The motion was seconded by Board Member David Lambert; the motion passed unanimously 7-0.

Board Member David Lambert made a motion to recommend approval to the Moore County Board of Commissioners of the General Use Rezoning request from Neighborhood Business (B-1) to Residential and Agricultural-40 (RA-40) of an approximate 6.21 acre parcel, located at 3221 Vass-Carthage Rd and adjacent to Bibey Rd., owned by Tammy Allred per Deed Book 2015E, Page 629. The motion was seconded by Board Member Harry Huberth; the motion passed unanimously 7-0.

At this time the Planning Board recessed as the Planning Board and opened the meeting acting as the Watershed Review Board.

Public Hearing #2 – Special Non-residential Intensity Allocation (SNIA) Request (“STARS Charter School”-140 Southern Dunes Drive)

Planner Darya Cowick presented to the Board a request from STARS Charter School seeking a Special Non-Residential Intensity Allocation (SNIA) to increase the maximum built upon area to 49.17% on a property located at 140 Southern Dunes, Vass NC owned by Neighborhood Youth Leadership to construct Phase 2 of the expansion of STARS Charter School.

Mrs. Cowick provided the board a brief background as outlined in the staff report.

Vice Chair Garrison called upon the following individuals signed up to speak during the public hearing.

- Jeremy Sparrow-143 Cardinal Lane, land planners of the project with Koontz design is available to answer any questions if needed.
- Scott Matthews-sign up to speak however had no additional comments.

With no further discussion Vice Chair Garrison closed the public hearing.

Board Member John Matthews made a motion to approve the Special non-residential Intensity Allocation (SNIA) to increase the maximum built upon area to 49.17% on a 9.17 acre property located at 140 Southern Dunes, Vass NC owned by Neighborhood Youth Leadership. The motion was seconded by Board Member John Cook; the motion passed unanimously 7-0.

At this time the board adjourned as the Watershed Review Board and reconvened the Planning Board.

Public Hearing #3 – Moore County staff is requesting amendments to the Moore County Unified Development Ordinance.

Planning Supervisor Theresa Thompson presented to the board the requested amendments as noted within the staff report.

- Amend Chapter 2 (Review Bodies and Administrator), Section 2.2 (Planning Board), Subsection A (Powers and duties)
- Amend Chapter 4 (Zoning Permits), Section 4.2 (Applications), Subsection A (Pre-Application Meeting)
- Amend Chapter 4 (Zoning Permit), Section 4.3 (Action by the Administrator)
- Amend Chapter 4 (Zoning Permit), Section 4.4 (Zoning Decision Sign)
- Amend Chapter 7 (General Development Standards), Section 7.11 (Non-Residential Screening), Subsection A (Applicability)
- Amend Chapter 7 (General Development Standards), Section 7.11 (Non-Residential Screening), Subsection D (Screening Types)
- Amend Chapter 8 (Specific Use Standards), Section 8.4 (Accessory Dwelling Located with a Single Family Dwelling), Subsection B (Standards)
- Amend Chapter 8 (Specific Use Standards), Section 8.6 (Accessory Manufactured Home), Subsection B (Standards)
- Amend Chapter 8 (Specific Use Standards), Section 8.7 (Accessory Stick Built Dwellings), Subsection A (Definitions) and B (Standards)
- Amend Chapter 8 (Specific Use Standards), Section 8.8 (Single Family Dwelling), Subsection A (Definition)
- Amend Chapter 8 (Specific Use Standards), Section 8.11 (Home Occupation, Level 1), Subsection A (Definition)
- Amend Chapter 8 (Specific Use Standards), Section 8.12 (Home Occupation, Level 2), Subsection A (Definitions)
- Amend Chapter 8 (Specific Use Standards), Section 8.13 (Manufactured Home), Subsection C (Prohibited)

- Amend Chapter 8 (Specific Use Standards), Section 8.18 (Multifamily Dwellings), Subsection A (Definitions) and Subsection C (Setbacks)
- Amend Chapter 8 (Specific Use Standards), Section 8.23 (Kennels, Overnight), Subsection A (Definition)
- Amend Chapter 8 (Specific Use Standards), Section 8.84 (Recreation, Indoor), Subsection A (Definition)
- Amend Chapter 8 (Specific Use Standards), Section 8.92 (Amateur Radio and Receive-only Antenna), Subsection C (Supplemental)
- Amend Chapter 8 (Specific Use Standards), Section 8.100 (Mini-Warehouse), Subsection B (Standards)
- Amend Chapter 8 (Specific Use Standards), Section 8.111 (Manufactured Home or Recreational Vehicle, Temporary Use), Subsection A (Definition)
- Amend Chapter 10 (Text Amendments & General Use Rezoning), Section 10.2 (Application Process), Subsection A (Submittal)
- Amend Chapter 10 (Text Amendments & General Use Rezoning), Section 10.3 (Notice of Public Hearings), Subsection D (Fort Bragg Notification)
- Amend Chapter 11 (Conditional Rezoning), Section 11.2 (Application Process), Subsection A (Submittal)
- Amend Chapter 11 (Conditional Rezoning), Section 11.3 (Notice of Public Hearings), Subsection D (Fort Bragg Notification)
- Amend Chapter 12 (Conditional Use Permits), Section 12.2 (Application Process), Subsection A (Submittal)
- Amend Chapter 18 (Subdivisions), Section 18.6 (Preliminary Plat Submittal and Review), Subsection B (Subdivision Review Approval Steps)
- Amend Chapter 18 (Subdivisions), Section 18.6 (Preliminary Plat Submittal and Review), Subsection I (Subdivision Decision Sign)
- Amend Chapter 18 (Subdivisions), Section 18.7 (Minimum Design Standards), Subsection E (Marginal Access Streets)
- Amend Chapter 18 (Subdivisions), Section 18.7 (Minimum Design Standards), Subsection F (NCDOT Approval)
- Amend Chapter 18 (Subdivisions), Section 18.7 (Minimum Design Standards), Subsection H (Traffic Signs and Control)
- Amend Chapter 18 (Subdivisions), Section 18.7 (Minimum Design Standards), Subsection K (Water and Sewer Options)
- Amend Chapter 18 (Subdivisions), Section 18.7 (Minimum Design Standards), Subsection S (Cluster Mailboxes)
- Amend Chapter 18 (Subdivisions), Section 18.8 (Conservation Design Standards), Subsection C (Dimensional Requirements)
- Amend Chapter 18 (Subdivisions), Section 18.15 (Subdivision Plat Requirements)
- Amend Chapter 18 (Subdivisions), Section 18.16 (Subdivision Plat Requirements)
- Amend Chapter 19 (Definitions), Section 19.2 (Definitions)
 - Lot Line, Front
 - Setback
 - Street, Arterial
 - Street, Marginal Access

Vice Chair Garrison opened the Public Hearing, with no further discussion or Public Comment Vice-Chair Garrison closed the public hearing.

Board Member Harry Huberth made a motion to adopt the attached Moore County Planning Board Land Use Plan Consistency Statement approval and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341. The motion was seconded by Board Member Bobby Hyman; the motion passed unanimously 7-0.

Board Member Harry Huberth made a motion to recommend approval to the Moore County Board of Commissioners of the proposed text amendments to the Moore County Unified Development Ordinance. The motion was seconded by Board Member Bobby Hyman; the motion passed unanimously 7-0.

OTHER

Planning Supervisor Theresa Thompson presented to the Board a request to seek guidance regarding Skill-Based Gaming Establishments Options as outlined within the staff report. Staff is recommending adding General Gaming Establishments to the “Indoor Recreation” use category adding “Adult Gaming Establishments” to the “Adult Uses” Category in the Table of Uses.

After minor discussion was held amongst the board it has been recommended for staff to establish a Text Amendment adding Skill-Based Gaming to the Moore County Table of Use under Commercial Uses, Industrial zoning, allowed as a Conditional Use with a 50 foot setback requirement with a maximum of four (4) machines to be permitted.

PLANNING DEPARTMENT REPORTS

Planning Director Debra Ensminger provided the Board with an update regarding a past Extraterritorial expansion request by the Town of Pinebluff. Ms. Ensminger explained to the Board this case had been lost by the County in the Applets Court due to a local act by the State of North Carolina that grants at right anytime there is an annexation request allowing the Town of Pinebluff to expand their Extraterritorial Jurisdiction, the item will be discussed further by the Moore County Board of Commissioners during the October 16th meeting to determine if further action will be taken by the County.

Ms. Ensminger also mention the local act affects the following jurisdictions regarding ETJ expansion request, Town of Pinebluff, Town of Aberdeen, Town of Southern Pines and the Village of Pinehurst and based on this act anyone of these jurisdictions could present a resolution to the Moore County Board of Commissioners with an expansion request and be granted..

BOARD COMMENT PERIOD

There was no Board comment period

ADJOURNMENT

Board Member Bobby Hyman made a motion to adjourn the October 4, 2018 regular meeting. The motion was seconded by Board Member Harry Huberth and the motion passed unanimously 7-0.

Respectfully submitted by,

Stephanie Cormack

- C. Standards. All buildings and parking shall be located a minimum 50 feet from any residentially zoned property line. 1 parking space for every 2 participants at full capacity.

REASON. New language reflects the need of general gaming establishments.

4. AMEND Chapter 8 (Specific-Use Standards), Section 8.111 (Manufactured Home or Recreational Vehicle, Temporary Use) as follows:

- A. Standards. A temporary dwelling may be permitted concurrently with or after the issuance of the building permit for the principal dwelling for up to 12 months, which may be extended once by the Administrator for an additional 6 month expiration of said eighteen-month period, the expiration of the building permit for the dwelling, or within 30 days of the Certificate of Occupancy, the temporary permit shall become invalid.

In the event of a natural disaster, manufactured homes, RVs, and FEMA trailers may be permitted, including on a separate lot, without a building permit being issued for the damaged home, and may receive multiple extensions beyond the 12 months for the temporary use, as determined necessary by the Zoning Administrator.

REASON. New language reflects the need of temporary housing during a disaster relief.

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 its 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 amendments to the Moore County Unified Development Ordinance.

ATTACHMENTS

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



MOORE COUNTY
Proposed Text Amendments to the Unified Development Ordinance
To Allow Adult Gaming Establishments as a Conditional Use
Specifically Section 6.1 (Table of Uses) and Chapter 8
October 9, 2018

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 2003 and 2008 Joint Land Use Studies

RLUAC therefore has no issues or concerns with the proposed text amendments to the Moore County Unified Development Ordinance.

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

Robert McLaughlin, 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 1.5: Encourage and support development and land use principles by ensuring Moore County's cultural, economic, and natural resources are considered appropriately.

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 by zoning adult and general gaming establishments within appropriate zoning districts, while ensuring Moore County's cultural and economic resources are considered. Also, the Land Use Plan calls for the adoption of straightforward standards and procedures. By addressing temporary housing during disasters, the county is providing clear guidelines.

3. The text amendment is reasonable and in the public interest because the ordinance has been updated to zone adult and general gaming establishments appropriately, within certain zoning districts within the County, in consideration that adult gaming establishments may have negative secondary impacts on surrounding land uses particularly residential uses. By differentiating between adult and general gaming establishments, the text amendment is also easily understood by developers and the general public. Also, accommodating for temporary housing during disaster relief ensures that the public is given the opportunity to recover after an unfortunate event.

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