

**MINUTES  
MOORE COUNTY PLANNING BOARD  
THURSDAY, AUGUST 3, 2023, 6:00 PM  
MOORE COUNTY HISTORIC COURTHOUSE – 2<sup>nd</sup> FLOOR**

**Board Members Present:**

Joe Garrison (Chairman), Mick McCue, John McLaughlin, David McLean, Farrah Newman, Ron Jackson, Ray Daly

**Board Members Absent:**

Bobby Hyman (Vice-Chairman), Amy Lynn

**Staff Present:**

Debra Ensminger, Planning Director; Stephanie Cormack, Admin Officer; Ruth Pedersen, Senior Planner; Tron Ross, Associate County Attorney

**CALL TO ORDER**

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

**INVOCATION**

Board member Farrah Newman offered the invocation.

**PLEDGE OF ALLEGIANCE**

Chairman Garrison led in citing of the Pledge of Allegiance.

**MISSION STATEMENT**

Board member David McLean read the Moore County Mission Statement.

**INTRODUCTION OF NEW PLANNING BOARD MEMBERS**

Chairman Garrison recognized Ray Daly and Ron Jackson.

**PUBLIC COMMENT PERIOD**

There was no public comment.

**APPROVAL OF THE CONSENT AGENDA**

A. Approval of Meeting Agenda

- B. Approval of Minutes of June 15, 2023, Special Meeting
- C. Consideration of Abstentions

Board member Mick McCue made a motion for approval of the consent agenda. Board member David McLean seconded the motion and the motion passed unanimously 7-0.

## **ELECTION OF VICE CHAIR**

Board member Mick McCue made a motion to recommend Board member David McLean as Vice Chair. Board member Ron Jackson seconded the motion and the motion passed unanimously 7-0.

## **PUBLIC HEARING**

**Public Hearing #1** – A request for a Conventional Rezoning of one parcel of approximately 2.31 acres, located on 565 Holly Grove School Road, from Gated Community Seven Lakes (GC-SL) to Rural Agricultural Urban Service Boundary (RA-USB) owned by John and Sondra Lundgren per Deed Book 5982, Page 131 and further described as Parcel ID 98000163 in Moore County tax records. – **Ruth Pedersen**

Mrs. Pedersen went over the item within the packet regarding the request mentioning the RA-USB is identified as medium density residential on the Future Land Use Map.

With no further questions from the board, Chairman Garrison opened the public hearing.

No one signed up to speak however the following requested to speak during the public hearing.

- Tracy Cicatelli; resident of Seven Lakes NC, concerned about the impact to the area if the property is rezoned.

Mrs. Pedersen explained to the board the rezoning request is primarily for residential use and the current rezoning does not make sense to be zoned in the Gated Community of Seven Lakes (GC-SL) as it does not fall under the restrictions of that community. The applicant would like to be rezoned so they can fall under the county's zoning regulations and not the restricted covenances that go with GC-SL.

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

Vice-chair McLean asked staff for clarity on the USB medium density classification.

Mrs. Pedersen explained the minimum lot size for the RA-USB is 1 acre and would need to follow the applicable regulations pertaining to that zoning designation.

With no further discussion from the board, Vice-chair David McLean made a motion to adopt the attached Approval Moore County Planning Board Land Use Plan Consistency Statement and authorize the chair to execute the document as required by North Carolina General Statute 160D-604. The motion was seconded by Board member John McLaughlin; the motion passed 7-0.

Vice-chair David McLean made a motion to recommend Approval to the Moore County Board of Commissioners of the Conventional Rezoning of one parcel of approximately 2.31 acres, located on 565 Holly Grove School Road, from Gated Community Seven Lakes (GC-SL) to Rural Agricultural Urban Service Boundary (RA-USB) owned by John and Sondra Lundgren per Deed Book 5982, Page 131 and further described as Parcel ID 98000163 in Moore County tax records. The motion was seconded by Board member Mick McCue; the motion passed 7-0.

**Public Hearing #2** – A request for a Conventional Rezoning of one parcel of approximately 2.79 acres, located on 270 McDuffie Lane, from Residential and Agricultural – 40 (RA-40) to Residential and Agricultural – 2 (RA-2) owned by Vass American Legion Post 296, Inc. per the Articles of Merger of McDuffie Post 303, Inc. into Vass American Legion Post 296, Inc. recorded with the Secretary of State as SOSID: 1330021, Deed Book 189, Page 202 and further described as Parcel ID 00022641 in Moore County tax records. – **Debra Ensminger**

Ms. Ensminger went over the item within the packet and provided the board with some background on the use. The American Legion has had the post at this location for many years and was considered legal nonconforming for the current zoning district RA-40. The current RA-40 zoning district does not permit the use of a Civic/Social Club, Lodge, & Organization (Private non-profit). The requested rezoning would bring the existing use into conformity with the Moore County Unified Development Ordinance.

Board member McCue inquired about the specific use standards on the use.

Ms. Ensminger read Chapter 8; Section 8.30: Civic/Social Club, Lodge, & Organization (Private non-profit) of the Moore County Unified Development Ordinance to the board.

With no further questions from the board, Chairman Garrison opened the public hearing.

The following signed up or requested to speak during the public hearing.

- Rora Kellis; applicant representative for Vass American Legion Post 296 spoke *in favor* of the request see “Exhibit 1”.
- Georgia Nelsen; representative for Vass American Legions Post 296 spoke *in favor* of the request see “Exhibit 2”.
- Kathleen McDermott; 135 McDuffie Ln., West End, spoke *against* the request see “Exhibit 3”.
- Bryce Morrison; 266 Meredith Ln., West End, spoke *against* the request.
- Laura Pitts; family member of land donated to the American Legion Post 296 spoke *against* the request.
- Lloyd Navarro; 202 Meredith Ln., West End, spoke *in favor* of the request.
- Bruce Olin; 390 Meredith Ln., West End, spoke *against* the request.
- Mike Nelsen; representative for Vass American Legions Post 296 spoke *in favor* of the request.
- Shannon Morrison; 266 Meredith Ln., West End, spoke *against* the request.
- Tom Brady; 492 Doubs Chapel Rd., West, spoke *in favor* of the request.

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

Board member inquired if there had been any building permits issued in the past few years.

Ms. Ensminger explained no permits have been issued, if building permits are needed, they would need to become a legal use for the appropriate zoning district. If the applicant had not removed power, then they would be considered legal nonconforming however, the ordinance is very clear when utilities are removed for two years or more, they would need to come into compliance with current standards to be a legal use.

Board member Jackson inquired if standards could be put in place like hours of operation.

Ms. Ensminger explained conditions could not be required for conventional rezonings. If the request was for a conditional rezoning, then specific standards could be stipulated. The applicant would have to start over in the process if that is the route they want to take.

With no further comments board member Mick McCue made a motion to adopt the attached Moore County Planning Board Land Use Plan Consistency Statement for Denial and authorize its chairman to execute the document as required by North Carolina General Statute 160D-604. The motion was seconded by Board member Farrah Newman; the motion passed 5-2 (Ron Jackson, Joe Garrison opposed).

Board member Mick McCue made a motion to recommend Denial to the Moore County Board of Commissioners of the Conventional Rezoning of one parcel of approximately 2.79 acres, located on 270 McDuffie Lane, from Residential and Agricultural – 40 (RA-40) to Residential and Agricultural – 2 (RA-2) owned by Vass American Legion Post 296, Inc. per the Articles of Merger of McDuffie Post 303, Inc. into Vass American Legion Post 296, Inc. recorded with the Secretary of State as SOSID: 1330021, Deed Book 189, Page 202 and further described as Parcel ID 00022641 in Moore County tax records. The motion was seconded by Board member Farrah Newman; the motion was denied 3-4 (John McLaughlin, Joe Garrison, Ron Jackson, Ray Daly opposed).

Chairman Garrison made a new motion to adopt the attached Moore County Planning Board Land Use Plan Consistency Statement for Approval and authorize its chairman to execute the document as required by North Carolina General Statute 160D-604. The motion was seconded by Board member Ron Jackson; the motion passed 5-3 (Mick McCue, Farrah Newman opposed).

Chairman Garrison made a new motion to recommend Approval to the Moore County Board of Commissioners of the Conventional Rezoning of one parcel of approximately 2.79 acres, located on 270 McDuffie Lane, from Residential and Agricultural – 40 (RA-40) to Residential and Agricultural – 2 (RA-2) owned by Vass American Legion Post 296, Inc. per the Articles of Merger of McDuffie Post 303, Inc. into Vass American Legion Post 296, Inc. recorded with the Secretary of State as SOSID: 1330021, Deed Book 189, Page 202 and further described as Parcel ID 00022641 in Moore County tax records. The motion was seconded by Board member Ron Jackson; the motion passed 5-2 (Mick McCue, Farrah Newman opposed).

**Public Hearing #3** – A request for a Conventional Rezoning of one parcel of approximately 1.37 acres, located on 452 Brown Road, from Residential and Agricultural – 40 (RA-40) to Residential and Agricultural –20 (RA-20) owned by M Renovation & Design, LLC per Deed Book 5808, Page 477 and further described as Parcel ID 00000811 in Moore County tax records. – **Ruth Pedersen** Mrs. Pedersen went over the item as outlined within the packet regarding the request mentioning the requested rezoning to RA-20 is not compatible with the Rural Agricultural classification as defined in the Moore County Land Use Plan. If the rezoning to RA-20 is approved, the classification would be updated to Medium Density Residential on the Future Land Use Map.

Board member McCue asked for clarification if the Future Land Use Map gets updated with rezoning cases.

Mrs. Pedersen & Ms. Ensminger explained that the Future Land Use Map does get updated if the rezoning is not consistent and is available in the office for view.

Board member Jackson inquired if water was available.

Mrs. Pedersen confirmed that this property does have access to public water.

Board member Newman asked if the proposed could be considered as spot zoning.

Ms. Ensminger mentioned the rezoning request would not be considered as spot zoning.

With no further questions from the board, Chairman Garrison opened the public hearing.

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

With no further comments board member David McLean made a motion to adopt the attached Moore County Planning Board Land Use Plan Consistency Statement for Denial and authorize its chairman to execute the document as required by North Carolina General Statute 160D-604. The motion was seconded by Board member Ron Jackson; the motion passed 7-0. (John McLaughlin initially voted opposed however, changed vote for a unanimous decision)

Board member David McLean made a new motion to recommend Denial to the Moore County Board of Commissioners of the Conventional Rezoning of one parcel of approximately 1.37 acres, located on 452 Brown Road, from Residential and Agricultural – 40 (RA-40) to Residential and Agricultural –20 (RA-20) owned by M Renovation & Design, LLC per Deed Book 5808, Page 477 and further described as Parcel ID 00000811 in Moore County tax records. The motion was seconded by Board member Mick McCue; the motion passed 4-3 (Joe Garrison, Ron Jackson, Ray Daly opposed).

**Public Hearing #4** – A request for a Conditional Rezoning of four adjacent parcels of approximately 5.99 acres to Highway Commercial Conditional Zoning (B-2-CZ) for Retail Sales and a Garden Center. The first parcel of approximately 1.59 acres located on 5307 NC 211 Hwy owned by Southern Golf and Land, LLC, per Deed Book 5896, Page 149 and further described as Parcel ID 00020642 is currently zoned highway Commercial (B-2). The second parcel of

approximately 2.43 acres located on 4020 NC 73 Hwy owned by Southern Golf and Land, LLC, per Deed Book 5604, Page 221 and further described as Parcel ID 00021818 is currently zoned Residential and Agricultural-40 (RA-40). The third and fourth parcels of approximately 1.01 acres (third) and 0.96 acres (fourth) located on NC 73 Hwy owned by James D. Williams, per Deed Book 5809, Page 51 and further described as Parcel IDs 20220140 (third) and 20220139 (fourth) are currently zoned Residential and Agricultural-40 (RA-40). – **Ruth Pedersen**

Mrs. Pedersen went over the request as presented within the packet.

With no further questions from the board, Chairman Garrison opened the public hearing explaining with a conditional rezoning request the board can request specific conditions if agreed upon by the applicant.

The following signed up or requested to speak during the public hearing.

- Mike Nichols; Landscape Architect, applicant representative spoke *in favor* of the request.
- Gavin Melia; applicant representative spoke *in favor* of the request.
- Larry McCune; West End United Methodist Church representative spoke *in favor* of the request see “Exhibit 4”.
- John Von Canon; 134 Von Canon Dr. West End, spoke *in favor* of the request.
- Tracy Cicatelli; resident of Seven Lakes, was neither in favor of nor against the request.
- Ryan Trask; 3976 NC Hwy 73 West End spoke *in favor* of the request.

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

With no further comments board member David McLean made a motion to adopt the attached Moore County Planning Board Land Use Plan Consistency Statement for Approval and authorize its chairman to execute the document as required by North Carolina General Statute 160D-604. The motion was seconded by Board member Mick McCue; the motion passed 7-0.

Board member Mick McCue made a motion to recommend Approval to the Moore County Board of Commissioners of the Conditional Rezoning of four adjacent parcels of approximately 5.99 acres to Highway Commercial Conditional Zoning (B-2-CZ) for Retail Sales and a Garden Center. The first parcel of approximately 1.59 acres located on 5307 NC 211 Hwy owned by Southern Golf and Land, LLC, per Deed Book 5896, Page 149 and further described as Parcel ID 00020642 is currently zoned highway Commercial (B-2). The second parcel of approximately 2.43 acres located on 4020 NC 73 Hwy owned by Southern Golf and Land, LLC, per Deed Book 5604, Page 221 and further described as Parcel ID 00021818 is currently zoned Residential and Agricultural-40 (RA-40). The third and fourth parcels of approximately 1.01 acres (third) and 0.96 acres (fourth) located on NC 73 Hwy owned by James D. Williams, per Deed Book 5809, Page 51 and further described as Parcel IDs 20220140 (third) and 20220139 (fourth) are currently zoned Residential and Agricultural-40 (RA-40). The motion was seconded by Board member John McLaughlin; the motion passed 7-0.

**Public Hearing #5** – Unified Development Ordinance amendments to Chapter 6 (Table of Uses) and Chapter 8 (Specific Use Standards) to add Commissary Kitchens as a specific use. – **Ruth Pedersen**

Mrs. Pedersen went over the request as presented within the packet mentioning a representative from Moore County Environmental Health Department is in attendance for any questions or comments.

Chairman Garrison asked for clarification on a home kitchen vs. a commissary kitchen.

Mrs. Pedersen explained the commissary kitchen would be a separate kitchen for food preparation that would be transferred to an off-site location like a food truck.

Crystal Hodges, Environmental Health staff representative explained to the board commissary kitchens have stringent guidelines and a regular health inspection is required by staff. If the kitchen is in a living space, they could not operate a commissary kitchen. Plans and a menu would need to be submitted like a restaurant type review to Environmental Health for review, commercial appliances would be required, separate kitchen preparation area not in living space would be needed to meet the standards before a permit could be issued to operate.

Board member Newman asked how many calls staff have received on this type of use.

Ms. Pedersen explained she knows of approximately 3 to 4 individuals that have expressed a strong interest, however multiple inquiries have been received asking for more information about the use.

Board member Newman inquired how would staff handle if a complaint was received of someone operating this type of use that was not allowed.

Mrs. Hodges explained health staff would work closely with Planning staff and if it was determined to be in operation without the proper permits the health department would shut the operation down.

Board member Jackson & McCue asked staff to go over the use and which zoning districts the proposed use would be allowed.

Mrs. Pedersen went over the table of use chart within the staff report going over the zoning districts proposed for this use.

With no further questions from the board, Chairman Garrison opened the public hearing.

The following signed up or requested to speak during the public hearing.

- Heidi Clarke; 1323 Union Church Rd., Cameron, spoke *in favor* of the request.
- John Phillips; 1323 Union Church Rd., Cameron, spoke *in favor* of the request.
- Dawn Sugg; 184 Quarry Branch Ln., Carthage, spoke *in favor* of the request.

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

With no further comments Chairman Garrison made a motion to adopt the attached Planning Board Land Use Plan Consistency Statement for Approval and authorize the Chairman to execute the document as required by North Carolina General Statute 160D-604. The motion was seconded by Board member David McLean; the motion passed 7-0.

Chairman Garrison made a motion to recommend Approval to the Moore County Board of Commissioners of the proposed amendments to Chapter 6 and Chapter 8 of the Moore County Unified Development Ordinance. The motion was seconded by Board member David McLean; the motion passed 7-0.

**Public Hearing #6** – Unified Development Ordinance amendments to Chapter 8 and Chapter 20 to add transitional living to the standards for Camp or Care Centers and define transitional living.  
– **Debra Ensminger**

Ms. Ensminger went over the proposed item as outlined within the staff report mentioning there are several camps around the county explaining the proposed use would not allow anyone other than staff to reside at a transitional living facility for a period of longer than three years. Staff has been working with Cameron Boys Camp for about a year researching this type of use making sure correct language outlines the use appropriately.

Board member Daly asked if the use would be like a halfway house type living.

Ms. Ensminger explained the use would not fall under a halfway house type living mentioning a representative from Cameron Boys Camp would be able to provide more details on the use.

With no further questions from the board, Chairman Garrison opened the public hearing.

The following signed up or requested to speak during the public hearing.

- Drew Scott; Director for Cameron Boys Camp, spoke *in favor* of the request providing the board a brief overview of the use that is intended to help young men from the age of 18 to 21 that are not quite ready to be out on their own, teach valuable life lessons, guide them in the work force and live on their own successfully.

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

With no further comments Board member McCue made a motion to adopt the attached Planning Board Land Use Plan Consistency Statement for Approval and authorize the Chairman to execute the document as required by North Carolina General Statute 160D-604. The motion was seconded by Board member McLean; the motion passed 7-0.

Board member McLean made a motion to recommend Approval to the Moore County Board of Commissioners of the proposed amendments to Chapters 8 and 20 of the Moore County Unified Development Ordinance. The motion was seconded by Board member McCue; the motion passed 7-0.



**Public Hearing #7** – Unified Development Ordinance amendments to Chapter 6 (Table of Uses) to add Indoor Athletic Courts as an allowed accessory use within major subdivisions. – **Debra Ensminger**

Ms. Ensminger when over the proposed item as outlined within the staff report mentioning Seven Lakes West would like to change their tennis courts to a pickle ball court.

Board member Jackson inquired if the use would be allowed for existing and new subdivisions.

Ms. Ensminger explained it would be an allowed use for both existing and new subdivisions.

With no further questions from the board, Chairman Garrison opened the public hearing.

The following signed up or requested to speak during the public hearing.

- Matt Bartels; Contractor representative; spoke *in favor* of the use.

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

With no further comments Board member McCue made a motion to adopt the attached Planning Board Land Use Plan Consistency Statement for Approval and authorize the Chairman to execute the document as required by North Carolina General Statute 160D-604. The motion was seconded by Board member McLean; the motion passed 7-0.

Board member McLean made a motion to recommend Approval to the Moore County Board of Commissioners of the proposed amendments to Chapters 8 and 20 of the Moore County Unified Development Ordinance. The motion was seconded by Board member McCue; the motion passed 7-0.

## **PLANNING DEPARTMENT REPORTS**

Ms. Ensminger mentioned the Land Use Plan will be updated in the future and the Board of County Commissioners will be appointing a committee to assist.

## **BOARD COMMENT PERIOD**

Chairman Garrison thanked staff and the board for all their hard work.

## **ADJOURNMENT**

With no further comments Board member Mclean made a motion to adjourn meeting. The motion was seconded by Board member McCue, the motion passed unanimously 7-0. The meeting was adjourned at 9:20 p.m.

Respectfully submitted by,

Stephanie Cormack

Members of the board, thank you for listening to our request.

How did we get to this point? The most plausible explanation that I can come up with is that an accident was made in the initial zoning when zoning maps were done in Crayola or color pencil. That isn't a shot at the folks that created those maps because that was just the way things were done. Unfortunately, this sometimes led to small parcels unintentionally being in the same zone as the larger surrounding parcels.

The reason that I point this out is because the zoning of our parcel is inconsistent with Goal 1 of the 2013 Moore County Land Use Plan which calls for the preservation and protection of "the Ambiance and Heritage of the County of Moore." On October 30, 1957, the building, and grounds at 270 McDuffie Lane were dedicated as a memorial to Albert and Edward McDuffie who gave their lives for their country in the European Theater of Operations during WWII. Our search for an actual reason that the property was zoned as RA-40 and subsequently rendered as non-conforming has not yielded an answer.

Our goal in seeking rezoning of the 270 McDuffie Lane property to RA-2 is to bring us within compliance with county zoning so that we may move forward in restoring this historical structure and using it to assist in the healing process of our area veterans.

Thank you for your consideration.

Good Evening,

The American Legion property on McDuffie Ln has a long history in Moore County; established as Post 303 in 1946 as service men returned from serving in WWII. The McDuffie property was deeded to the American Legion Post in 1953 from the Auman family. In October 1957, the Legion Post was dedicated as a memorial for the McDuffie brothers (Albert and Edward) who died in the European Theater during WWII.

Although McDuffie Post 303 functioned as an active part of the community, membership dropped over the years and the ability to maintain the facilities declined. In 2015, the power was turned off. Activity continued on the property among veterans and active duty military units in various capacities but vandalism and age have taken a toll of the facilities. American Legion Post facilities are the places where veteran families can gather to plan or conduct activities in support of not only the veteran community but the community at large. In 2021, Vass American Legion Post 296 merged with Post 303 in order to revitalize the post with an eye towards the post 9/11 veteran community. These men and women are focused more on doing within the larger community and rebuilding the broken among the ranks. With this in mind, we plan to repair the current structures on the property and use it for the good of all veterans in Moore County.

The McDuffie property is landlocked but a soil/gravel road leads back to the parcel. That soil road appears on several surveys over the years; became Private Road 1053; and was renamed McDuffie Lane as indicated in the Moore County Named Roads records of August of 1996. This road begins at the junction of the adjacent Auman land and land surveyed as Horner Tract 1 for Bruce Olin in February 1995 and traverses said Horner Tract 1 ending at the post facilities. This is the only access to the parcel. Horner Tract 1 is now part of Arbor Creek Subdivision.

At some point after the post establishment, Moore County instituted zoning and somehow the property was designated RA-40. Now, under the current zoning ordinances, the post, categorized as a social organization, does not conform to the restrictions of RA-40. We request this change of the zoning of the property to bring it into compliance with current zoning requirements.

The American Legion consists of Veterans Strengthening America. There are 4 Pillars or focus areas of the American Legion: Americanism, Children & Youth, National Security, and Veterans Affairs & Rehabilitation.

We embrace all current and former members of the military and endeavor to help them transition into their communities. We celebrate all who contribute to something larger than themselves and inspire others to serve and strengthen America.

The American Legion advocates for upholding and defending the United States Constitution, equal justice and opportunity for everyone and discrimination against no one, youth education, responsible citizenship and honoring military service by observing and participating in memorial events. We believe in selfless service; family and community engagement; educating, mentoring and leading new generations of Americans; and honoring those who came before us.

Still Serving,

Georgia Hughes Nelsen, Commander

Vass American Legion Post 296, Inc

910 556-9796

[ncpost296@outlook.com](mailto:ncpost296@outlook.com)

P.O. Box 296

Vass, NC 28394

Kathleen McDermott

I purchased 135 McDuffie Lane 2/18. At the time of purchase, 270 McDuffie Lane was zoned residential/agricultural 5, there was no alternate use application, the building was abandoned, and the Zoning commission had done a county zoning review in 2013 and 270 continued to be zoned resident/agriculture 5. I have lived on this property for more than 5 years and there has been no activity by Post 303 members/veterans. I work from home 60% of the time and have security cameras that include the entry onto McDuffie Lane being the first building on the lane. Post 303 property has only been used for Robin Sage exercise (not a post activity) 3 times per year for about 2 hours. This exercise is performed all over the State. I would be notified before the Army would enter McDuffie Lane to secure my horses for the gun shot noise. I would not have purchased 135 McDuffie if 270 was zoned or had an acceptance letter for social club.

History: 270 McDuffie was Post 303 from late 1950 when the land was donated by the Auman family in commemoration of two McDuffie sons who died in WWII. The families knew each other. Post 303 built a building for veteran use. The Post had plaques that were hung above a large brick fireplace in commemoration. The 270 McDuffie site turned into a place for dancing and drinking by the local county residents, not just members. A band stand was built in front of the fireplace, which could then not be used. There were problems with the drinking and drunkenness and fights, the authorities were involved, and the American Legion Post 303 shut down the building use for post 303 on that site. There were problems with trespassing on the other residential properties and urinating in the pond observed by the adjacent homeowner Mr and Mrs. Morrison). The building was left vacant sometime after the 1970s and was stripped of all metal, HVAC, etc. It is currently in disrepair including the trusses falling and no electricity. The electrical wiring has been exposed to the elements for several undetermined number of years. There is also broken glass from beer bottles on the property. When speaking with the Auman Family, the Post 303 property was not used in accordance with why it was donated. The parents of the current living Auman family members were horrified with what happened to their donation in the 1960s.

Last year a veteran and active-duty person moved into the subdivision and informed Post 296 that Post 303 was lying vacant. I was approached by him and the Adjutant as to the use again of Post 303's building for meetings and to rent the building to make money. I was not in agreement because of the prior history and lack of oversight for drinking, condition of the building and that Veteran Posts change members and management due to moving and military duty station and the intentions would be lost. The building is also surrounded in the back by heavy woods and the front by thick brush not owned by the post. One cigarette butt placed on the ground that was not fully extinguished could cause a fire that could spread quickly to the surrounding tree farms and power lines just behind. The lot adjacent to the Post 303 was recently purchased by Mr. Navarro and a prescribed burn was completed to prevent the concern for fire on his property from the use of Post 303. The building would not have oversight as a residence and individuals could return and use the property as they please, which had happened in the past.

Since being approached about the use of Post 303 for social club I have had several conversations with the Post 296 veteran members including the most recent past Adjutant (that has changed to Georgia in

July). I was informed Post 296 members were aware of Post 303s zoning of residential/agricultural 5 and felt the building could be grand fathered in but had not filed for this. The discussion of the lack of electricity and building condition would exclude this property from that exemption. I requested the Post obtain a permit for the building repairs that were significant for safety from the falling trusses and use of the weather exposed electrical lines inside. And file for social club zoning. I was verbally accosted that they were not getting a permit and I would have to force them. It would be my fault if Post 296 could not take over Post 303 and use the building and property and that I didn't care about the veterans. The Post 296 members were observed to trespass on the pond and surrounding property owned by the Auman family at the Post 303 site. The members verbally admitted they were asked by the Auman family not to trespass. They were observed to drive down McDuffie Lane faster than the current condition could accommodate and asked on several occasions to please slow down. Post 296 were gathering on the property as social club knowing it was zoned residential/agricultural and refused to file at zoning until I filed first.

Post 296 hired a member to blade drag McDuffie Lane, including my portion that I own, to flatten and widen the road for social club use without my or the Auman family's knowledge or consent. During the drag, my road stone was removed and piled on the side of the road to widen it without my consent. This pile was left on the Auman's property. The porta potty was placed on the Auman's property and had to be removed as trespassing.

I filed with the zoning and building commissions for misuse of the property and failure to obtain a permit.

I was sent certified mail from Post 296 allegedly providing a presumed letter that allowed the Post 303 site for alternate use. I was later informed by zoning there was a letter from 1950. I did not accept the certified mail from the new Adjutant Georgia and requested that all correspondence go through Zoning for accuracy. I was informed by member Lloyd Navarro by phone that Adjutant Georgia had planned to come to my home to deliver the letter herself. I called Georgia on Friday and informed her she was not permitted on my property and to provide all paperwork to the zoning office where I had filed a complaint. She knows better than not to approach a person when there is a conflict, and the zoning commission needs to rule and opine on the letter. The following Monday, Duke Electric came to my home to respond to a call received using my name and address that reported my electricity was out (135 McDuffie Lane). The technician assess my property and there was no outage and called me. I called Duke customer service, and the fictitious outage report was confirmed. I reported this harassment to the Sherriff's Office and was advised to file for a restraining order for Post 296 members and to file for civil penalty for removing my road stone.

**THIS IS HARRASSMENT!** The current leadership and members of Post 296 have already shown to me and other homeowners what type of moral value and respect for law they have and have caused great concern should they be allowed to have a zoning change.

The area has grown with increased residential housing with a large amount of investment by the homeowners. A Post that would have no oversight with the problem history and rental use of the building (essentially a business) would be a detriment to the value of our property and does not conform

to the current zoning. Social Club use brings noise and light pollution for the homeowners. I am also not in agreement with the change to RA 2 with additional request for social club.



To: Moore County Planning

Subject: Conditional Rezoning Request – August 3, 2023

From: West End United Methodist Church.

My name is Larry McCune, and I am here to represent the West End United Methodist Church in this matter, as Chair of both Trustees and Church Council.

If the Conditional Rezoning applies only to the proposed Tractor Supply Project (for Retail Sales and Garden Center), the church is in support of it. The Tractor Supply Project has been designed and proposed to include all four adjacent corner properties across from the church (at the northeast corner of Highways 211 & 73). This project is very impressive and has been given a lot of thought.

The initial project proposal was presented at an open community gathering on the corner property. This gathering included neighbors, project developers and planning board representatives. The project has been revised following input at the community gathering. The revised project is designed to have minimal impact on the surrounding areas and to meet any restrictions. Tractor Supply has a good reputation for maintenance and fitting into its neighborhood. One on Highway 1 is even next to a church.

Trustees have reviewed this project twice, and unanimously agree that this Tractor Supply Project would be a good solution for the Hwy 211/73 corner and the neighborhood. The Trustees' recommendation and project details were shared with the members of the Church Council and there were no objections, and only support.

The proposed Tractor Supply Project encompasses the entire collection of properties at the corner, so, if it is approved as is, with conditional rezoning, there would be nothing left for uncertain occupants that might not be suitable for the neighborhood. Last year a rezoning proposal for Parcel 2 was rejected, with church support, due to those uncertainties.

Thank You,

Larry McCune  
Chair Church Council & Trustees





