

MINUTES
MOORE COUNTY PLANNING BOARD
THURSDAY, DECEMBER 7, 2023, 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd FLOOR

Board Members Present:

David McLean (Vice-Chairman), Mick McCue, Ron Jackson, Ray Daly, John McLaughlin

Board Members Absent:

Joe Garrison (Chairman), Farrah Newman, Tucker McKenzie, Guy McGraw

Staff Present:

Debra Ensminger, Planning Director; Stephanie Cormack, Admin Officer; Danielle Orloff, Senior Planner; Tron Ross, Associate County Attorney; Abby Manning, Planner

CALL TO ORDER

Vice Chair David McLean called the meeting to order at 6:00 pm.

INVOCATION

Board member John McLaughlin offered the invocation.

PLEDGE OF ALLEGIANCE

Board member Ray Daly led the pledge of allegiance.

MISSION STATEMENT

Board member Mick McCue read the Moore County Mission Statement.

PUBLIC COMMENT PERIOD

There was no public comment.

CONSIDERATION OF ABSTENTIONS

There were no abstentions.

APPROVAL OF THE CONSENT AGENDA

Board member Mick McCue made a motion for approval of the consent agenda. Board member Ray Daly seconded the motion and the motion passed unanimously 5-0.

PUBLIC HEARING

Public Hearing #1 – A request for a Conventional Rezoning of one parcel of approximately 2.54 acres, located on 3449 Vass Carthage Road, Carthage, NC, from Industrial (I) to Highway Commercial (B-2) owned by Creative Sparks, LLC, per Deed Book 3879 and Page 52. The parcel has approximately 246 ft of road frontage on Vass-Carthage Road. – **Danielle Orloff**

Ms. Orloff went over the items within the packet, explaining even though the requested rezoning is not compatible with the Rural Agricultural classification as defined in the Moore County Land Use Plan. Per General Statutes, rezonings inconsistent with a jurisdiction's Land Use Plan can be approved if they are found to be reasonable. Ms. Orloff mentioned the request does align with Goal 1 of the Land Use Plan: Preserve and Protect the Ambiance and Heritage of the County of Moore (Inclusive of area around municipalities) with the Recommendation of 1.7: Support and promote local business, and Action 1.7.2: Encourage emerging markets that utilize local agricultural and manufactured products and enhance tourism and the service sectors.

Ms. Orloff noted that the proposed rezoning is not compatible with the Future Land Use Map which categorizes this property as Rural Agricultural, nor is the current zoning of Industrial compatible with the Future Land Use Map.

Board member Mick McCue asked if the property was zoned Industrial before the 2013 Land Use Plan. Ms. Ensminger explained the business has been operational since 1985 and that county-wide zoning did not come into effect until 1999.

Mr. McCue commented he was unsure why the property was not categorized as Industrial on the Future Land Use Map when the Land Use Plan was created in 2013. Ms. Ensminger explained the property is categorized as Rural Agricultural on the Future Land Use Map.

Mr. McCue inquired why the request is being brought to the board if there is not a plan for the property. Ms. Orloff explained staff only addresses the request of the rezoning. Mr. McCue expressed his concern of future Industrial uses for this property. Ms. Ensminger explained whatever the use may be, they will have to meet all requirements of the ordinance regardless of the zoning, also explaining the applicant feels if rezoned to B-2 the property would be more of an asset to them in the future.

With no further questions from the board, Vice Chair McLean opened the public hearing.

The following signed up to speak during the hearing.

- James Gibbons; owner/applicant 3449 Vass Carthage Road.
 - Mr. Gibbons mentioned one of the tenants has expressed interest in purchasing one of the buildings and that portion of the property to meet the setback requirements the property, they would need to be rezoned from Industrial to Highway Commercial.

With no further discussion or public comment, Vice Chair McLean closed the public hearing.

With no further discussion from the board, Board member Ron Jackson made a motion the requested is consistent with the 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 Ray Daly; the motion passed 4-1. Mick McCue voting opposed.

Board member Ray Daly made a motion to recommend Approval to the Moore County Board of Commissioners of the Conventional Rezoning of one parcel of approximately 2.54 acres, located on 3449 Vass Carthage Road, from industrial (I) to Highway Commercial (B-2), owned by Creative Sparks, LLC per Deed Book 3879, Page 52 and further described as Parcel ID 00033836 in Moore County tax records. The motion was seconded by Board member John McLaughlin; the motion passed 5-0.

Public Hearing #2 – A request to amend Chapter 8 of the Moore County Unified Development Ordinance as follows, which will potentially affect all properties in Moore County: – **Danielle Orloff**

1. Amend Chapter 8 (Specific-Use-Standards), Section 8.103.B. (Solar Collectors, On-Site, Ground Mounted Solar Panels) to remove the requirements that on-site solar collectors “shall not exceed 30% of the footprint of the principal structure, and in no case be higher than the principal structure” to be consistent with current NC General Statute 160D-914.
2. Amend Chapter 8 (Specific-Use-Standards), Section 8.103.C. (Solar Collectors, On-Site, Roof Mounted Panels) to remove the language that on-site solar collectors “shall not extend beyond the perimeter of the roof and shall not project above the highest point of the roof” and add specific language from current NC General Statute 160D-914(c) to ensure consistency with this statute.

Ms. Orloff went over the item within the packet going over the background as presented. Mentioning the requested text amendment is to bring the ordinance in compliance with the law.

Board member McCue questioned why the language needs to be changed, referring to the law not being changed since N.C.G.S. 153-A was passed in 2007.

Associate Attorney Tron Ross explained the language in the ordinance was not previously in compliance, and the modification is to bring the ordinance in compliance with the law.

Board member Ray Daly inquired if the location of the panels could be changed.

Associate Attorney Tron Ross explained the location could not be changed as it is based on the law.

Board member Daly mentioned he feels the location should be regulated for ground mount systems.

Ms. Ensminger explained staff has been questioned on the language as written in the ordinance, upon further investigation it was discovered the ordinance was not in compliance, currently as written staff is not able to regulate the law.

Board member McCue explained he feels the language should remain until it becomes an issue.

With no further questions from the board, Vice Chair McLean opened the public hearing.

No one spoke during the public hearing.

With no further discussion or public comment, Vice Chair McLean closed the public hearing.

With no further discussion from the board, Board member Ray Daly made a motion the requested is consistent with the 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 Ron Jackson; the motion passed 5-0.

Board member Ray Daly made a motion to recommend Approval to the Moore County Board of Commissioners of the amendments to Chapter 8 of the Moore County Unified Development Ordinance. The motion was seconded by Board member Ron Jackson; the motion passed 4-1, Mick McCue voting opposed.

Public Hearing #3 - A request to amend Chapter 10 of the Moore County Unified Development Ordinance as follows, which will potentially affect all properties in Moore County: – **Danielle Orloff**

1. Amend Chapter 10 (General Application Review Procedures), Section 10.7- Staff Review and Action under A. Initial Staff Review #3 remove “or recommendations” of the Moore County Unified Development Ordinance to enhance clarity.
2. Amend Chapter 10 (General Application Review Procedures), Section 10.7- Staff Review and Action under B. Staff Report and Recommendation, remove “AND RECOMMENDATION” from the heading and under #2 remove “and recommend one of the decisions authorized for the particular type of application” of the Moore County Unified Development Ordinance to enhance clarity.
3. Amend Chapter 10 (General Application Review Procedures), Section 10.7- Staff Review and Action by removing B. Staff Report and Recommendation #5 in its entirety and renumbering the current #6 to #5 of the Moore County Unified Development Ordinance to enhance clarity.

Ms. Orloff went over the item within the packet going over the background as presented explaining the proposed text amendment is to clear up confusion on staff rolls, staff presents findings of fact, statutes, laws, relevant material, and applicants can speak on behalf of their proposed items. It is up to the board to recommend approval or denial.

Ms. Ensminger explained prior to the Ordinance update, staff has never provided recommendations, this language was modified during the update process which was not caught internally.

Board member Mick McCue feels planning staff should make recommendations based on their knowledge and expertise and feels it is valuable to the board.

With no further questions from the board, Vice Chair McLean opened the public hearing.

No one spoke during the public hearing.

With no further discussion or public comment, Vice Chair McLean closed the public hearing.

With no further discussion from the board, Board member Mick McCue made a motion the requested is consistent with the 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 5-0.

Board member Mick McCue made a motion to recommend Denial to the Moore County Board of Commissioners of the amendments to Chapter 10 of the Moore County Development Ordinance. No second, motion failed.

Board member Ray Daly made a motion to recommend Approval to the Moore County Board of Commissioners of the amendments to Chapter 10 of the Moore County Unified Development Ordinance. The motion was seconded by Board member John McLaughlin; the motion passed 4-1, Mick McCue voting opposed.

Public Hearing #4 - A request to amend Chapter 6 of the Moore County Unified Development Ordinance as follows, which will potentially affect all properties in Moore County: – **Debra Ensminger**

1. Amend Chapter 6 (Table of Uses) - Section 6.1. Principal Use Table, Recreation, High Impact Outdoor to allow the use of High Impact Outdoor Recreation within the Planned Development Conditional Rezoning District.

Ms. Ensminger went over the item within the packet going over the background as presented explaining the current zoning districts of Rural Agriculture (RA) and Village Business (VB) the use is allowed by Conditional Rezoning only, if in the Industrial zoning designation, the use is allowed by right. Ms. Ensminger also provided the definition of High Impact Outdoor Recreation as defined under definitions in the ordinance.

Vice chair McLean asked for examples of High Impact Outdoor Recreation.

Ms. Ensminger provided the following examples: motor sports, batting cages, recreation creating noise. Also reminded the board the request is to add the use under Planned Development Conditional Rezoning which would come before a board for review.

With no further questions from the board, Vice chair McLean opened the public hearing.

No one spoke during the public hearing.

With no further discussion or public comment, Vice Chair McLean closed the public hearing.

With no further discussion from the board, Board member John McLaughlin made a motion the requested is consistent with the 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 Ray Daly; the motion passed 5-0.

Board member Mick McCue made a motion to recommend Approval to the Moore County Board of Commissioners of the amendments to Chapter 6 Table of Uses, of the Moore County Unified Development Ordinance. The motion was seconded by Board member Ray Daly; the motion passed 5-0.

PLANNING DEPARTMENT REPORTS

Ms. Ensminger introduced Abby Manning, contract employee through Mid Carolina Regional Council of Governments assisting in the Planning department.

Ms. Ensminger provided the board with an update on the Land Use Plan, mentioning a series of meetings will be held starting in January. There will be a Land Use forum on January 18, 2024, held at Pinecrest High School to kick off the sessions.

BOARD COMMENT PERIOD

Vice chair McLean thanked staff for all they do.

ADJOURNMENT

With no further comments Board member Mick McCue made a motion to adjourn the meeting. The motion was seconded by Board member Ray Daly, the motion passed unanimously 5-0. The meeting was adjourned at 7:00 p.m.

Respectfully submitted by,

Stephanie Cormack