

**MINUTES
MOORE COUNTY PLANNING BOARD
THURSDAY, JANUARY 4, 2024, 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd FLOOR**

Board Members Present:

Joe Garrison (Chairman), Farrah Newman, Tucker McKenzie, Guy McGraw
David McLean (Vice-Chairman), Mick McCue, Ron Jackson, John McLaughlin

Board Members Absent:

Ray Daly

Staff Present:

Debra Ensminger, Planning Director; Stephanie Cormack, Admin Officer; Danielle Orloff, 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 Tucker McKenzie offered the invocation.

PLEDGE OF ALLEGIANCE

Chairman Joe Garrison led the pledge of allegiance.

MISSION STATEMENT

Board member Farrah Newman 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. Vice chair David McLean seconded the motion and the motion passed unanimously 8-0.

PUBLIC HEARING

Public Hearing #1 – A request for a Conventional Rezoning of approximately 400 ft (on either side) of US 1 Highway adjacent to one parcel of approximately 1.27 acres, located on 1154 L Cooper Road, between L Cooper Road and US 1 Highway, from Rural Agricultural - Highway Corridor Overlay District - Urban Transition - US 1 Highway to Rural Agricultural - Highway Corridor Overlay District Rural Highway, owned by Randolph T and Marina S Craven, per Deed Book 6063, Page 525. – **Danielle Orloff**

Ms. Orloff went over the item within the packet and provided the board with a presentation attached as Exhibit A. Ms. Orloff explained the subject property is located within the Cape Fear Little River (Intake no 2) WS-IIIP watershed with an average of 2 dwelling units / 1 acre per project OR 20,000 square foot lot excluding street right of way with an allowable 24% built upon area. Lots are exempt from this allowable amount if they are created prior to 1994, this lot was created in 2000, any new development or expansions would be required to meet the 24% allowable BUA.

Ms. Orloff noted while the rezoning request does not align with the Future Land Use Map, the request is still reasonable and in the public interest given that it does align with the following Goals, Recommendations and Actions as included in the packets Land Use Plan Consistency Statement.

Board member Farrah Newman noted the submitted general warranty deed address did not match what was being presented, inquiring why.

Ms. Orloff mentioned the applicant was present and could speak more to the address discrepancy.

Board member McCue asked staff the request would be considered spot zoning,

Ms. Orloff mentioned the request is still reasonable and in the public interest as it aligns with the goals, recommendations and actions as included with the Land Use Plan Consistency Statement.

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

The following signed up to speak during the hearing.

- Randolph T Craven; owner/applicant 478 Loblolly Dr. Vass, NC
 - Mr. Craven mentioned the address was changed for EMS purposes.
 - The proposed use would be to store his antique cars with a future intent to build a single-family residence.

Ms. Ensminger informed the board this rezoning opens the door for future change of the Highway Corridor Overlay of Highway US 1 north of Vass to Lee County line from Urban Transition to Rural Highway.

Board member McCue feels staff should recommend a change to the Highway Corridor Overlay and not create a spot zoning situation.

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

With no further discussion from the board, Chairman Garrison made a motion to adopt the consistent 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 Mick McCue; the motion passed 7-1. Mick McCue voting opposed.

Chairman Garrison made a motion to recommend Approval to the Moore County Board of Commissioners of the Conventional Rezoning of approximately 400 ft (on either side) of US 1 Highway adjacent to one parcel of approximately 1.27 acres, located on 1154 L Cooper Road, between L Cooper Road and US 1 Highway, from Rural Agricultural - Highway Corridor Overlay District - Urban Transition - US 1 Highway to Rural Agricultural - Highway Corridor Overlay District Rural Highway, owned by Randolph T and Marina S Craven, per Deed Book 6063, Page 525. The motion was seconded by Board member Guy McGraw; the motion passed 7-1. Mick McCue voting opposed.

Chairman Garrison requested staff to look further at this section of Highway US 1 Overlay District and recommend a future change from Urban Transition to Rural Highway.

Public Hearing #2 – Conditional Rezoning of one parcel of approximately 0.76 acres to Highway Commercial Conditional Zoning (B-2-CZ) for a 20-unit Mini Warehouse (Self-Storage). The parcel located on Juniper Lake Road, owned by MB Equity, per Deed Book 5239, Page 409 and further described as Parcel ID 00991632 is currently zoned Highway Commercial (B-2) – **Danielle Orloff**

Ms. Orloff went over the item within the packet and provided the board with a presentation attached as Exhibit B.

During the presentation it was mentioned there was an error in the agenda provided to the board and has been corrected in the presentation. Error reference change mentions the future land use map identifies the property as Commercial/Office/Retail/Institutional Classification and should have identify the property as Industrial classification.

Board member McCue asked if off street parking requirements standards could be negotiated with the applicant.

Staff explained the off-street parking requirements noted in the ordinance could not be changed at this time and these standards must be met.

Board member Jackson recommended staff look further into modifying the ordinance language regarding parking.

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

The following signed up to speak during the public hearing.

- Bernie Schaub; MB Equity LLC-welcomed the idea of the parking requirements.

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

With no further discussion from the board, Vice chair David McLean made a motion to adopt the consistent 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 8-0.

Vice chair David McLean made a motion to recommend Approval to the Moore County Board of Commissioners of the Conditional Rezoning of one parcel approximately 0.76 acres, Juniper Lake Rd., owned by MB Equity, per Deed Book 5239, Page 409, Parcel ID 00991632 from highway Commercial (B-2) to Highway Commercial Conditional Zoning(B-2-CZ) for a 20-unit Mini Warehouse (Self-Storage) The motion was seconded by Board member Guy McGraw; the motion passed 8-0.

PLANNING DEPARTMENT REPORTS

Ms. Ensminger reminded the board of the upcoming Land Use Forum meeting on January 18th at Pinecrest High School. The Board of Commissioners have requested the Planning Board attend as a board, a Special Meeting request will be sent out.

BOARD COMMENT PERIOD

Chairman Garrison thanked staff for all they do.

ADJOURNMENT

With no further comments Vice chair David McLean made a motion to adjourn the meeting. The motion was seconded by Board member John McLaughlin, the motion passed unanimously 8-0. The meeting was adjourned at 7:00 p.m.

Respectfully submitted by,

Stephanie Cormack

Exhibit A



1

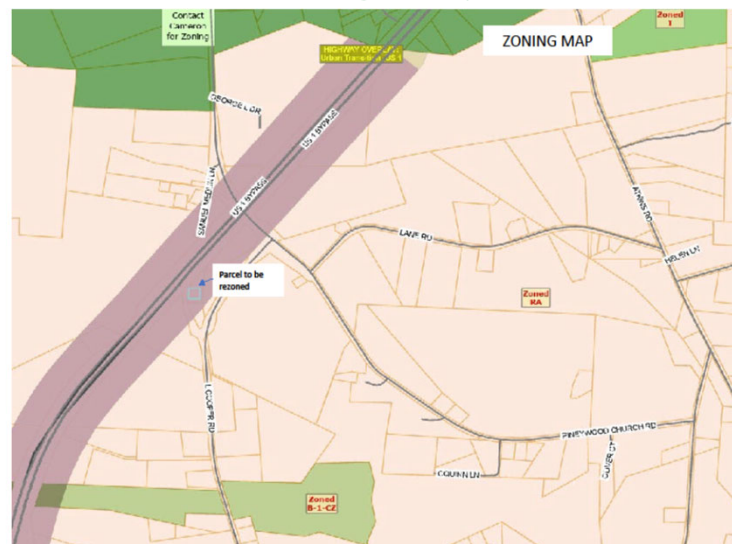


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Background

- This Highway Corridor Overlay District includes lands located 400 feet along either side of the US 1 Highway right-of-way from Southern Pines ETJ boundary north to Cameron's ETJ boundary.
- The total acreage for the parcel is approximately 1.27 acres, and currently zoned Rural Agricultural – Highway Corridor Overlay District- Urban Transition US 1 Hwy.
- 1154 L Cooper Rd - Parcel is vacant and undeveloped. The parcel is located between L Cooper Road to which it is addressed and US 1 Hwy on what will be the rear side of the parcel.
- Adjacent properties include residential dwellings and vacant lots.
- If approved, the applicant would like to build a storage building to store the applicant's boat and antique cars, that is not allowed due to the additional development standards within the Highway Corridor Overlay District Urban Transition US 1 Highway.
- Section 7.8.F.1.iii. General Development Standards-Highway Corridor Overlay District - Urban Transition Sub District prohibits personal workshops/ storage buildings.

Zoning Map



Parcel Information

- Parcel is within the Cape Fear Little River (Intake no 2) WS-IIIP watershed.
 - (Average of 2 dwelling units / 1 acre per project OR 20,000 square foot lot excluding street right of way with an allowable 24% built upon area (BUA).
- The lots are exempt from this allowable amount if they are created prior to 1994. This lot was created in 2000.
 - New development or expansions would be required to meet the 24% allowable BUA.

Parcel is located within a Highway Corridor Overlay District =

Current Unified Development Ordinance Section 3.20. A. describes the Highway Corridor Overlay District areas as areas that promote the general health, safety, and welfare of the community, protect the rural character and natural environment of the area, and provide attractive highway corridors and gateways to our communities. The Highway Corridor Overlay District is intended to maintain or enhance the natural scenic beauty of designated corridors viewed by all.



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Zoning District Compatibility

The Highway Corridor Overlay District is divided into two sub-districts: Rural Highway and Urban Transition.

The Highway Corridor Overlay District **Rural Highway** sub-district is a district created to provide compatible transitions between differing land uses, enhance the natural environment, and retain the existing rural character of Moore County not including any municipal zoning jurisdiction: US 1 Highway and NC 690. The Zoning Ordinance states that Highway Corridor Overlay District Rural Highway sub-districts apply to the following areas. This property is **not** located in one of these areas.

- Lands located 400 feet south from Pinebluff's ETJ boundary to Richmond County line.
- Lands located 400 feet along either side of the US 15-501 right-of-way between Carthage ETJ boundary and Lee County line; and
- Lands located 400 feet along either side of the NC 690 right-of-way.

The Highway Corridor Overlay District **Urban Transition** District is a district created to improve property, support the natural conditions, and keep development consistent with the visual character and appearance of the nearby Towns. The Sandhills and Longleaf Pine are unique within North Carolina and these elements are of economic value to the Towns and make it a desirable place for both residents and visitors. This subdistrict applies in the following areas:

- Lands located 400 feet along either side of the US 1 Highway right-of-way from Southern Pines ETJ boundary north to Cameron's ETJ boundary;
- Lands located 400 feet along either side of the US 15-501 right-of-way between Pinehurst and Carthage and from Aberdeen to the Hoke County Line;
- Lands located 400 feet along either side of the NC 22 Highway right-of-way from the US 15-501 intersection at Carthage to Southern Pines; and
- Lands located 400 feet along either side of the NC 211 Highway right-of-way from Pinehurst to the Montgomery County line (including the Seven Lakes Village Business District).



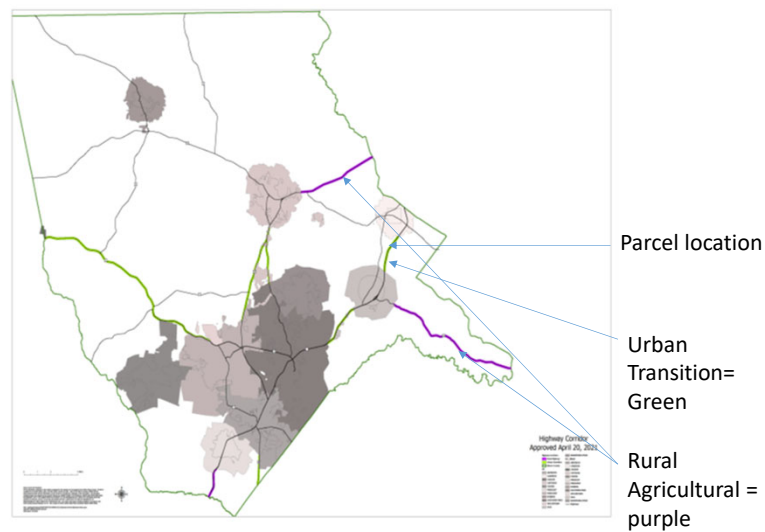
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Zoning District Compatibility

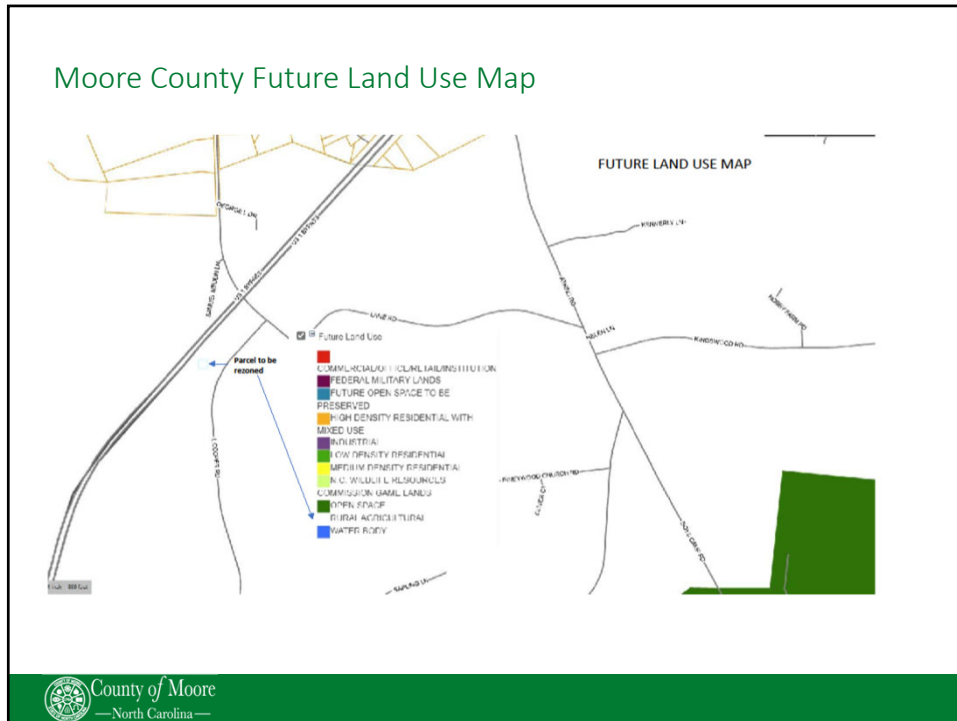
The Future Land Use Plan describes the Highway Corridor Overlay District Urban Transition US 1 - U.S. Highway #1 as a multi-lane, limited access highway in Moore County from just south of Vass, to the Lee County line. This highway is Moore County's main connection to the City of Raleigh.

While this road is a highway in nature, the areas outside of local municipalities remain largely rural and would benefit from the more comparable Rural transition Highway Corridor Overlay District as requested through this rezoning. Expounding on the comparable routes like Rural Highway 24-27 run show that it runs east /west through the County and throughout the state and is the main connection between US Highways #64 and #74.

Highway Corridor Overlay Map



Moore County Future Land Use Map

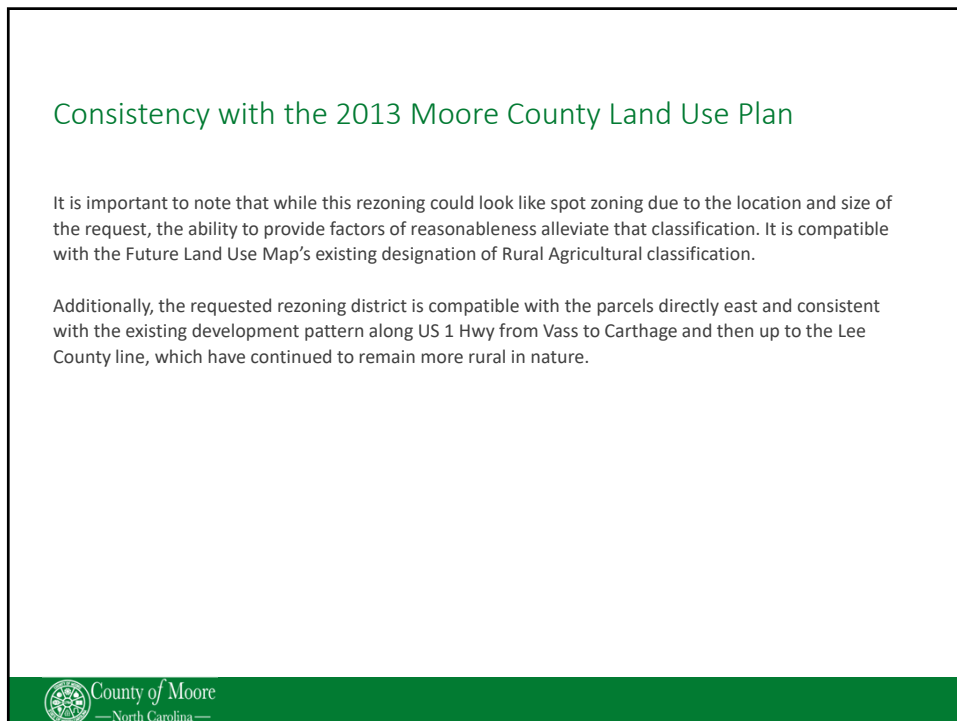


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Consistency with the 2013 Moore County Land Use Plan

It is important to note that while this rezoning could look like spot zoning due to the location and size of the request, the ability to provide factors of reasonableness alleviate that classification. It is compatible with the Future Land Use Map's existing designation of Rural Agricultural classification.

Additionally, the requested rezoning district is compatible with the parcels directly east and consistent with the existing development pattern along US 1 Hwy from Vass to Carthage and then up to the Lee County line, which have continued to remain more rural in nature.



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Consistency with the 2013 Moore County Land Use Plan

- Factors that should be considered in an analysis of the reasonableness of the rezoning from Rural Agricultural Highway Corridor Overlay District -Urban Transition - US 1 Highway to Rural Agricultural - Highway Corridor Overlay District – Rural Highway, include the following:

1. The size, physical conditions, and other attributes of the area proposed to be rezoned.

The area proposed to be rezoned is of approximately 400 ft (on either side) of US 1 Highway adjacent to one parcel of approximately 1.27 acres, located on 1154 L Cooper Road. The section of highway for the requested rezoning is primarily rural in nature as is the surrounding area.

Factors of Reasonableness

- The parcel fronts and is addressed off L Cooper Road.



View South of Parcel on L Cooper Road



View North of Parcel on L Cooper Road



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Consistency with the 2013 Moore County Land Use Plan

- The parcel has an existing tree line landscape buffer at the rear of the parcel separating from US 1 Hwy.



View from Back side of Parcel- view from
US Highway 1



View of Parcel from Highway



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Consistency with the 2013 Moore County Land Use Plan

- The parcel has an existing tree line landscape buffer at the rear of the parcel separating from US 1 Hwy.



View of Subject Property from L Cooper Road (looking towards US 1 Hwy

Consistency with the 2013 Moore County Land Use Plan

2. The benefits and detriments to the landowners, the neighbors, and the surrounding community.

Adjacent property owners will receive notification of the proposed rezoning and the property will be posted with a sign regarding the notice of a public hearing. Citizens and the surrounding community will have the opportunity to provide feedback regarding the proposed rezoning request.

Factors of Reasonableness

- Only a few calls regarding the notifications and no negative feedback received.

Consistency with the 2013 Moore County Land Use Plan

3. The relationship between the current and actual permissible development on the tract and adjoining areas and the development that would be permissible under the proposed rezoning:

Currently the Highway Corridor Overlay District Urban Transition Sub District has fifteen (15) prohibited uses:

- i. Accessory Manufactured Home;
- ii. Manufactured Home;
- iii. Personal Workshop/Storage Building;
- iv. Manufactured or Modular Home Sales;
- v. Storage Building Sales;
- vi. All uses listed under "Adult Uses" in the commercial uses portion of the principal use table (see Chapter 6);
- vii. All uses listed under "Waste Related Services" in the industrial uses portion of the principal use table (see Chapter 6);
- viii. Cemetery or Mausoleum/Commercial;
- ix. Family Cemetery;
- x. High Impact Outdoor Recreation;
- xi. Indoor Shooting Range;
- xii. Outdoor Shooting Range;
- xiii. Zoo/Petting Zoo;
- xiv. Major or Minor Telecommunications Tower;
- and xv. All uses listed under "Warehousing" in the industrial uses portion of the principal use table (see Chapter 6).

Currently the Highway Corridor Overlay District Rural Highway Sub District has three (3) prohibited uses:

- i. Sexually Oriented Business;
- ii. Outdoor Shooting Range;
- iii. All uses listed under "Waste Related Services" in the industrial uses portion of the principal use table (see Chapter 6).

Factors of Reasonableness

The rezoning request is reasonable because it would continue to prohibit the most extreme Use Types, while being updated to reflect the rural vs urban environments. The highway corridor overlays should be adjusted to mirror the respective environments that they service.



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Consistency with the 2013 Moore County Land Use Plan

4. Why the action taken is in the public interest. Is the rezoning request in the best interest of the public?

Factors of Reasonableness

The historical transportation routes in this area have transitioned from the old business routes to the US 1 Hwy now through the Vass area. This area has stayed rural in nature and the highway corridor overlays should be adjusted to mirror the respective urban or rural environments that they service.

5. Any changed conditions warranting the amendment.

There are no changed conditions warranting the rezoning amendment.



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Factors of Reasonableness Continued

- While the rezoning request does not align with the Future Land Use Map, the request is still reasonable and in the public interest given that it does align with the following Goals, Recommendations and Actions as included in the attached Land Use Plan Consistency Statement, including:
 - Goal 3: Optimize the Uses of Land Within the County of Moore.
 - Action 3.1.2: Encourage non-residential development to locate near major transportation routes and areas served by adequate water, sewer, natural gas, broadband, and electric power.
 - Goal 4: Provide Information and Seek Citizen Participation.
 - Recommendation 4.1: Promote efforts to involve and inform citizens of throughout various planning and permitting processes.



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Recommendation

Staff recommends the Moore County Planning Board make two separate motions:

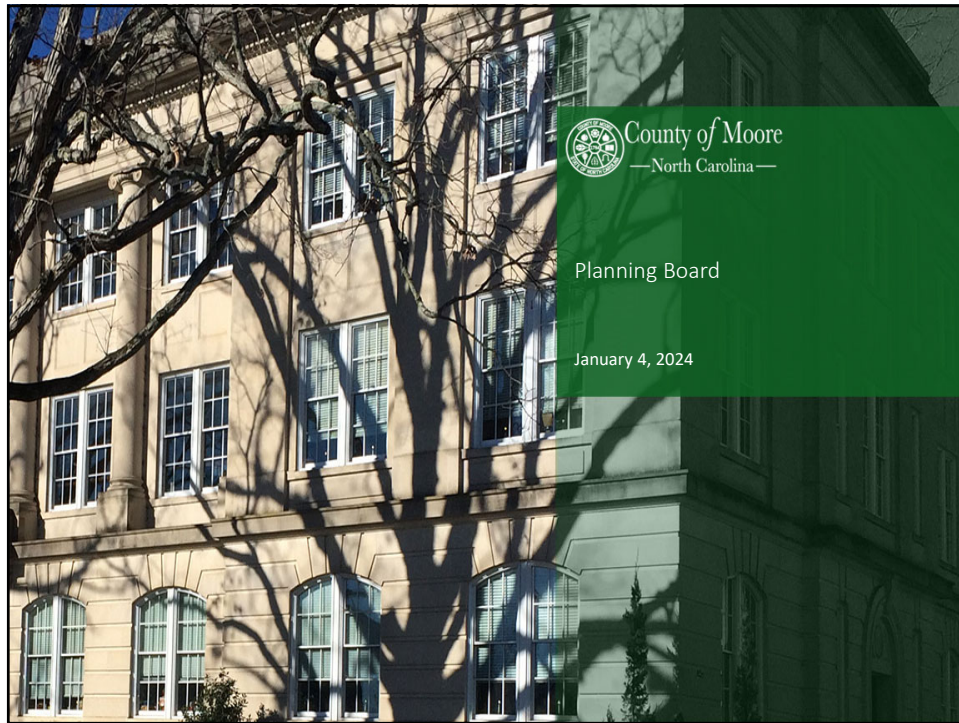
Motion #1: Make a motion to adopt the attached consistent or inconsistent Moore County Planning Board Land Use Plan Consistency Statement and authorize its Chairman to execute the document as required by North Carolina General Statute 160D-604.

• **Motion#2:** Make a motion to recommend **Approval** or **Denial** to the Moore County Board of Commissioners of the proposed Conventional Rezoning of one parcel of approximately 400 ft (on either side) of US 1 Highway adjacent to one parcel of approximately 1.27 acres, located on 1154 L Cooper Road, between L Cooper Rd and US 1 Highway, from Rural Agricultural - Highway Corridor Overlay District - Urban Transition - US 1 Highway to Rural Agricultural - Highway Corridor Overlay District Rural Highway, owned by Randolph T and Marina S Craven, per Deed Book 6063, Page 525.

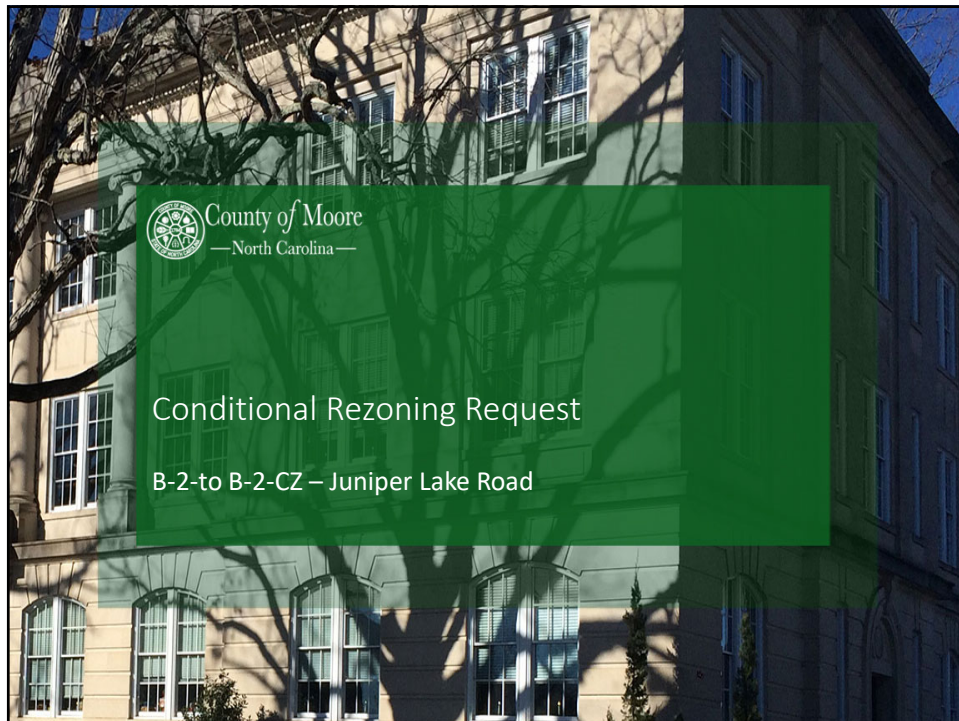


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Exhibit B



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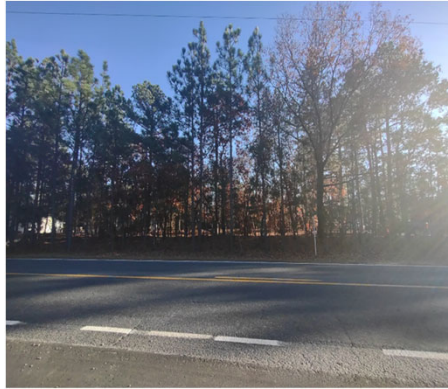
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Parcel to be
Rezoned B-2-CZ

ZONING MAP

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View of Subject Property



View of Juniper Lake Road from Subject Property (East)



View of Juniper Lake Road from Subject Property (West)



View of Adjacent Property at 1961 Juniper Lake Road



View of Adjacent Property at 1927 Juniper Lake Road



View across the Street from Subject Property



Background

- The total acreage for the parcel is approximately 0.76 acres, zoned Highway Commercial(B-2).
- Parcel is vacant and undeveloped.
- If approved, the applicant would like to develop 20-unit Mini Warehouse (Self-Storage on site).
- Adjacent properties include several storage/shop buildings that are of similar use to the proposed use.
- There is currently a residential use east of the project on a lot that is also zoned B-2. The back of a detached garage is approximately 40' from the common property line and the house is approximately 140' from the common property line.
- The owner/applicant for this proposed mini warehouse self-storage project owns the lot south of this lot along with several other lots in the area.
- The lot to the west is a small commercial painting and janitorial business.



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Ordinance Standards-

The proposed use is considered a Warehousing Use Type, Mini Storage (Self-Service) defined in Section 8.74. A. of the Moore County Unified Development Ordinance (UDO) as "A fully enclosed building divided into units that are leased individually for storage. Storage shall be limited to dead storage. A single caretaker's residence may be included."

- The standards for Warehousing, Mini Storage (Self-Service) are found in Section 8.74. B. of the UDO:
- All outdoor storage areas shall be located a minimum 50 feet from any residentially zoned property line.
- No business activity other than the rental of storage units shall be conducted on the premises.
- Outside storage, with the exception of vehicles, recreational vehicles, and boats, shall be limited to 25% of the total area of the site and shall be enclosed by a chain link fence with a minimum height of six feet.
- In no instance shall there be more than 10 inoperable vehicles stored outdoors.
- Mini warehouse uses shall provide at least one off-street parking space per every 300 square feet.

The standards found in Section 8.74.C. prohibit:

- On-site retail sales, flea market, manufacturing, and service operations are prohibited. However, once a month, the management of a mini-warehouse use may conduct a one-day auction or sale of abandoned or stored materials in accordance with State of North Carolina regulations.
- The storage of hazardous, toxic, or explosive substances shall be prohibited.



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Parcel Information-

CH 16- Watershed Overlay Districts

The property is located within the Cape Fear Nicks Creek WS-IIIP watershed which restricts non-residential development to 24% built upon area or up to 70% with Special Non-Residential Intensity Allocation (SNIA) approval.

- Existing impervious surface: 0 square feet (0% of parcel)
- Proposed impervious surface: 7168 sq ft bldg.+ 6720 sq ft gravel parking lot + 8164 sq ft asphalt = 22052 square feet (62.5% of parcel) (lot size 35,241 sq ft)

The applicant will be required to obtain approval of a Special Non-residential Intensity Allocation (SNIA) from the Watershed Review Board prior to obtaining any permits for construction.

COMMUNITY MEETING

The community meeting was conducted at 1975 Juniper Lake Rd, Unit D-3 on December 21, 2023, at 11:00 am. Adjacent property owners were notified by certified return receipt mail, sent on December 8, 2023 . Please refer to the attached report for more details.



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Zoning District Compatibility

- The requested rezoning to B-2-CZ is consistent with the existing uses located near the property including residential uses.
- Zoning districts adjacent to the property include B-2 (Highway Commercial).
- The requested zoning to Highway Commercial-Conditional Zoning (B-2-CZ) is compatible with the Industrial Land Use Classification as the request is limited to a mini warehouse self-storage use.
- The Moore County Unified Development Ordinance states the Highway Commercial (B-2) district is a district to provide for the development of commercial and service centers that serve community, countywide, or regional commercial needs, are accessible by residents from surrounding neighborhoods, and are configured to minimize conflicts with surrounding residential areas.



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Moore County Future Land Use Map



Consistency with the 2013 Moore County Land Use Plan

- FLUM – Industrial Classification includes light/heavy industrial uses, manufacturing, warehousing and distribution, and transportation-related uses. Industrial areas should be developed in a manner compatible with nearby properties to minimize potential nuisances or damage to the environment. Sites should be served with adequate utility infrastructure as well as provide a buffer and visual screening as appropriate from residential property.
- The mini warehouse self-storage use falls in the Industrial Land Use Classification. Additionally, the submitted site-specific development plan utilizes buffering to minimize conflicts with surrounding residential areas. The proposed mini warehouse self-storage will provide a service to support nearby communities and the location near the intersection of Hwy 211 and Juniper Lake Road will be accessible by residents from surrounding neighborhoods.

Factors of Reasonableness

1. Size, physical conditions, and other attributes of the area to be rezoned
 - The nearest B-2 zoned property is adjacent to proposed rezoning.
 - Conditional Zoning Districts are established to provide for flexibility in the development of property while ensuring that the development is compatible with neighboring uses. Pursuant to NCGS 160D-703, conditional zoning districts require the approval of a rezoning by the Moore County Board of Commissioners and approval of a site-specific development plan allowing for the development of specific land uses.
2. Benefits and detriments to the landowners, the neighbors, and the surrounding community
 - Adjacent property owners received notification of the proposed rezoning and the property was posted with a sign noticing the public hearing. There was also a community meeting offered.
 - Staff has received a couple of calls asking for information, but no negative feedback has been received.
3. The relationship between current and actual permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment with specific standards mentioned earlier accomplished.



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Factors of Reasonableness Continued

4. Is the rezoning request in the best interest of the public?
The rezoning request aligns with the Future Land Use Map, the request is reasonable and in the public interest given that it does align with the following Goals, Recommendations and Actions as included in the attached Land Use Plan Consistency Statement, including:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around municipalities).

- Action 1.8.5: Support and promote infill development that will optimize the use of existing infrastructure.
- The subject site is currently partially zoned B-2 which allows a wide range of uses. The proposed Conditional Zoning will limit the site to a low-impact mini warehouse self-storage use that will serve the residents of nearby communities.
- The development will utilize existing water infrastructure in this location.

Goal 3: Optimize the Uses of Land Within the County of Moore

- Action 3.1.2: Encourage non-residential development to locate near major transportation routes and areas served by adequate water, sewer, natural gas, broadband, and electric power.
- Recommendation 3.4: Encourage development in areas where the necessary infrastructure (roads, water, sewer, and schools) are available, planned or most cost-efficiently be provided and extended to serve development.
 - Proposed site is located near the intersection of Juniper Lake Road and NC Hwy 211 in Moore County.

5. Any changed conditions warranting the amendment
 - There are no changed conditions warranting the rezoning amendment



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Recommendation

Staff recommends the Moore County Planning Board make two separate motions:

Motion #1: Make a motion to adopt the attached consistent or inconsistent Moore County Planning Board Land Use Plan Consistency Statement and authorize its Chairman to execute the document as required by North Carolina General Statute 160D-604.

- **Motion#2:** Make a motion to recommend **Approval** or **Denial** to the Moore County Board of Commissioners of the Conditional Rezoning of one parcel approximately 0.76 acres, Juniper Lake Rd, owned by MB Equity, per Deed Book 5239, Page 409, Parcel ID 00991632 from Highway Commercial (B-2) to Highway Commercial Conditional Zoning (B-2-CZ) for a 20-unit Mini Warehouse (Self-Storage).