

MINUTES
MOORE COUNTY PLANNING BOARD
THURSDAY, MARCH 7, 2024
MOORE COUNTY HISTORIC COURTHOUSE – 2ND FLOOR

Board Members Present:

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

Board Members Absent:

None

Staff Present:

Debra Ensminger, Planning Director, Danielle Orloff, Senior Planner, Ruth Pedersen, Senior Planner, and Tron Ross, Associate County Attorney

CALL TO ORDER

Chairman, Joe Garrison called the meeting to order at 6:00 p.m.

INVOCATION

Board member Farrah Newman provided the invocation.

PLEDGE OF ALLEGIANCE

Chairman, Joe Garrison led the pledge of allegiance.

MISSION STATEMENT

Board member Ray Daly read the Moore County Mission Statement.

APPOINTMENT OF MEETING SECRETARY

Chairman Joe Garrison made a motion to appoint Debra Ensminger as Clerk to the Board. The motion was seconded by Board Member Ray Daly. The motion unanimously passed 9-0.

PUBLIC COMMENT PERIOD

There was no public comment.

CONSIDERATION OF ABSTENTIONS

There were no abstentions.

APPROVAL OF THE CONSENT AGENDA

Vice Chairman, David McLean made a motion for approval of the consent agenda. Board member John McLaughlin seconded the motion and unanimously passed 9-0.

PUBLIC HEARINGS

Public Hearing #1- A request for Conventional Rezoning of one parcel of approximately 3.772 acres, located on Murdocksville Rd, from Neighborhood Business (B-1) to Residential and Agricultural – 40 (RA-40) owned by Victor Cheechov per Deed Book 4630, Pages 256-259 and further described as Parcel ID 00014941 in Moore County tax records.

Senior Planner Danielle Orloff requested the Board's approval for a conventional rezoning request located on Murdocksville Rd, from Neighborhood Business (B-1) to Residential and Agricultural – 40 (RA-40) owned by Victor Cheechov, described as Parcel ID 00014941.

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

No one signed up to speak however, Lewis D. Miller, 2456 Murdocksville Rd. spoke in favor of the residential zoning verses commercial.

Board member McCue requested clarification of the rezoning request.

Ms. Orloff explained the uses within the Residential and Agricultural – 40 (RA-40) District would reduce the number and the intensity of the use allowed in the B-1 Neighborhood Business District.

Board member Farrah Newman requested the Board to discuss her thoughts on down zoning the property. Farrah Newman stated the request would reduce the intensity of what the uses could be but is parallel of what we have been hearing over and over again about all the development happening in Moore County. If a minor subdivision is put in, it is not held to the same standards as a major subdivision, such as storm water and all the other standards that go along with major subdivisions. Newman further stated her biggest concern is, if the property is downzoned, by right they can do up to 4 lots and duplexes are allowed per the chart, up to 8 units by right. Is this something we want?

The Board discussed Newman's concerns and provided other comments.

Chairman Joe Garrison made a motion to adopt the Moore County Planning Board 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 8-1. Board member Farrah Newman voted in opposition.

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 3.772 acres, located on Murdocksville Rd. from Neighborhood Business (B-1) to Residential and Agricultural – 40 (RA-40) owned by Victor Cheechov per Deed Book 4630, Pages 256-259 and further

described as Parcel ID 00014941 in Moore County tax records. The motion was seconded by Ray Daly. The motion passed 8-1. Board member Farrah Newman voted in opposition.

Public Hearing #2- A request to amend Chapter 6 (Table of Uses) – and remove Section 6.2.C.4.i (Accessory Uses) (General Standards for All Secondary Uses and Structures) (Maximum Structure Size) of the Moore County Unified Development Ordinance to remove the maximum size of an accessory structure in all residential zoning districts.

Ms. Orloff explained the amendment request.

Ms. Orloff explained the amendment request and the hardships the current language is causing to citizens.

Chairman Joe Garrison asked if the request is being proposed from staff? Senior Planner Danielle Orloff shared several permits have been denied due to the current language in the Unified Development Ordinance. Chairman Joe Garrison requested clarification on the number of permits denied. Senior Planner Danielle Orloff stated within her tenure with the Moore County just roughly under six months, five to ten. Chairman Joe Garrison asked if the definition of accessory use was readily available. Board member Mick McCue read Section 6.2. A. accessory uses definition from the Unified Development Ordinance and Section 6.2.C. general standards for all secondary uses and structures. Board member McCue stated the Unified Development is very clear on how it regulates accessory uses and buildings. Board member McCue further stated to create a blanket regulation with no maximum standards would create too much of change affecting the entire county.

Much discussion ensued regarding this amendment of the Planning Board.

Planning Director Debra Ensminger requested the Planning Board to provide staff with options to consider and bring back to the Board for consideration.

Chairman Joe Garrison opened the public hearing. No one was in attendance.

Chairman Joe Garrison closed the public hearing.

Additional discussions of the Planning Board included requiring larger lot sizes, sliding scales, based upon zoning districts.

The Board requested staff to bring the text amendment back to the Planning Board with options. With no other questions from the board, Chairman Joe Garrison made a motion to table this item until the May 2, 2024, at 6:00 p.m. The motion was seconded by Vice Chair David McLean, the motion passed unanimously 9-0.

Public Hearing #3 – A request to amend Chapter 7 (General Development Standards) – Section 7.8.F.iii Personal Workshop/Storage Building (Highway Corridor Overlay District – Prohibited Uses – Urban Transition Sub – District) of the Moore County Unified Development Ordinance.

Ms. Orloff explained the request.

With no further questions from the board Joe Garrison Chairman opened the public hearing. No one was present.

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

Board member Tucker McKenzie made a motion to adopt the attached Consistent Planning Board Land Use Plan Consistency Statement and authorize the Chairman to execute the document as required by North Carolina General Statute 160D-604. The motion was seconded by Vice Chair David McLean, the motion passed unanimously 9-0.

Vice Chair David McLean made a motion to recommend approval to the Moore County Board of Commissioners of the proposed amendments to Chapter 7 (General Development Standards) Section 7.8.F.1.iii (Highway Corridor Overlay District – Prohibited Uses – Urban Transition Sub – District) of the Moore County Unified Development Ordinance. The motion as seconded by Board member McLaughlin; the motion passed 9-0.

PLANNING BOARD TRAINING

Tron Ross, Associate County Attorney provided an overview of the Planning Board's responsibilities statutorily and within the Unified Development Ordinance. Mrs. Ross further explained when the planning board reviews proposed amendments to the zoning ordinance the planning board shall advise and comment on whether the proposed action is consistent with the land-use plan and any other official adopted plan applicable.

Mrs. Ross provided a planned development rezoning scenario example to the board for illustrative purposes demonstrating the inconsistency with the land use plan and the ability to approve the planned development rezoning.

PLANNING DEPARTMENT REPORT

Ms. Ensminger asked the board if they enjoyed the training. Ms. Ensminger shared there are several items for the April 4 agenda.

PLANNING BOARD COMMENT PERIOD

No further comments from the board.

ADJOURNMENT

With no further comments Chairman Joe Garrison made a motion to adjourn the meeting. The motion was seconded by Vice-Chair David McLean, the motion passed unanimously 9-0. The meeting adjourned at 7:18 p.m.

Respectfully submitted,

Debra Ensminger

Planning Director

Elected Secretary to the Planning Board March 7, 2024, meeting

Exhibit A



County of Moore
—North Carolina—

Planning Board

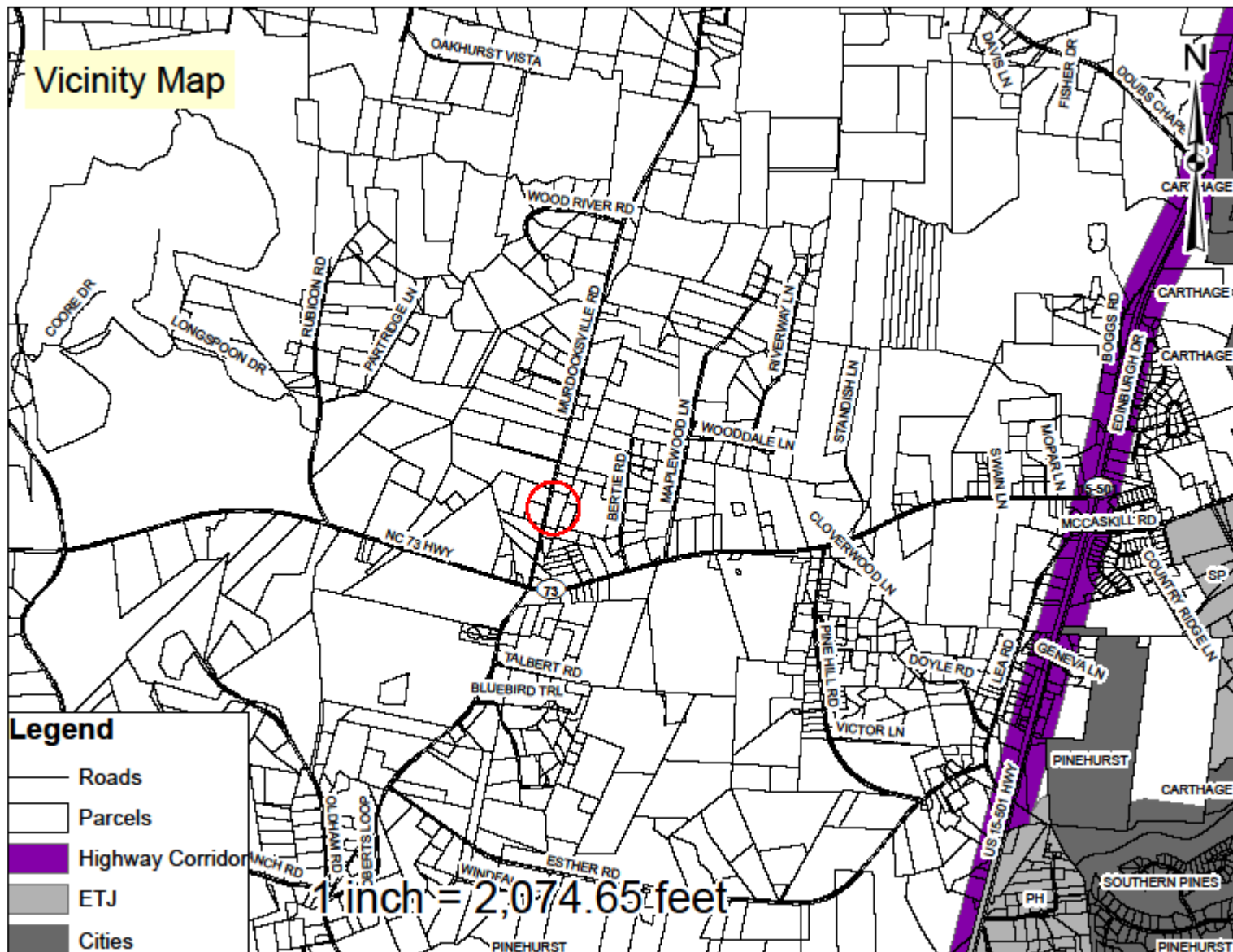
March 7, 2024



County of Moore
— North Carolina —

Conventional Rezoning Request

Neighborhood Business (B-1) to Residential &
Agricultural – 40 (RA-40)





Overhead View from GIS

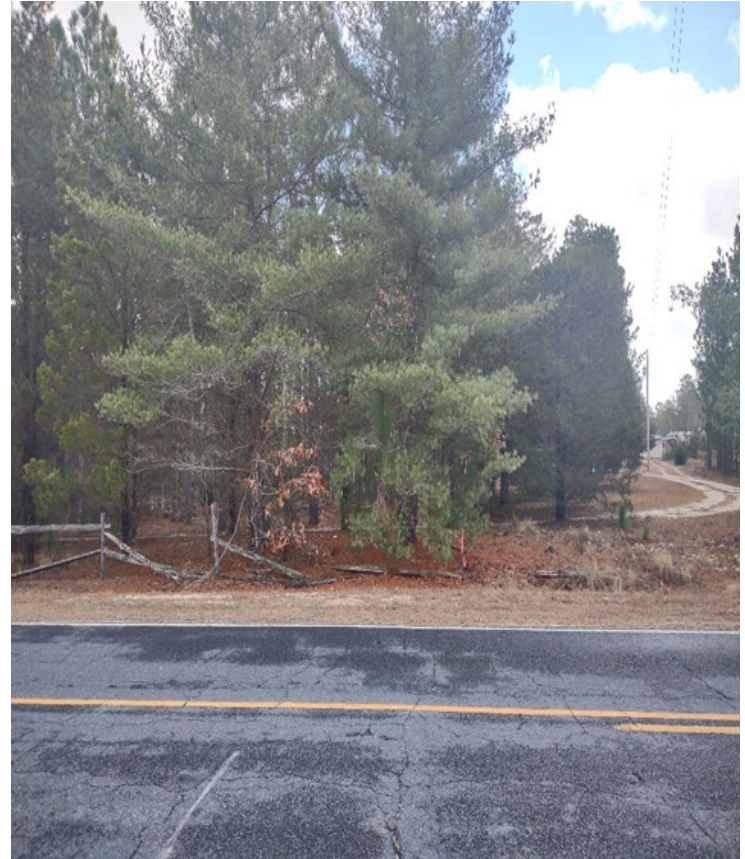
View of Subject Property from Murdocksville Rd



View South of Parcel on
Murdocksville Rd



View of Back Parcel (2423)
from Murdocksville Rd



View of Access Easement
to Back Parcel (2423) from
Murdocksville Rd



View North of Parcel on
Murdocksville Rd



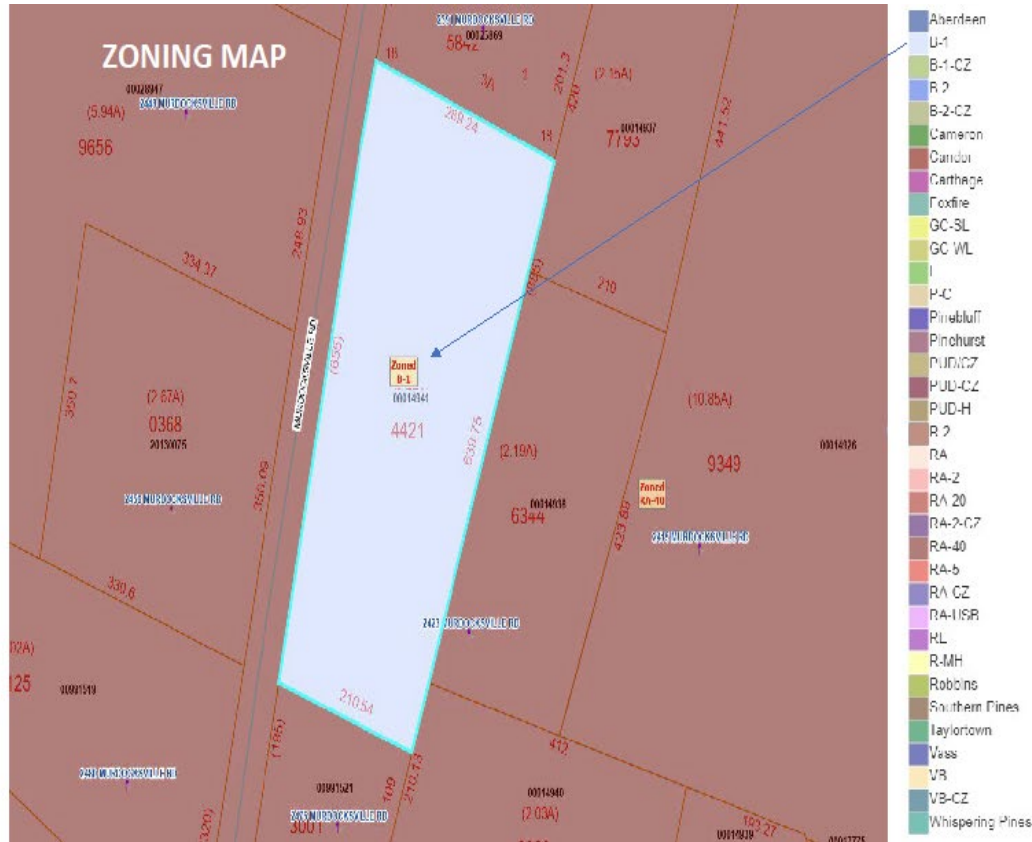
Background

- Total acreage is approximately 3.772 acres, zoned B-1 - Neighborhood Business.
- Adjacent properties include single family dwellings, and vacant undeveloped property.
- Adjacent and surrounding parcels of the property being proposed are currently zoned RA-40.

Planning Board Review— Section 11.3.B.

Recommend approval or denial based on the proposed action consistency with any comprehensive, adopted and applicable plan.

ZONING MAP



The Unified Development Ordinance defines Residential and Agricultural - 40 (RA-40) districts as districts in which the principal use of the land is for single family dwellings, duplexes, and agriculture and discouraging any use which would generate traffic on minor streets other than normal traffic to serve residences on those streets.

Zoning District Compatibility

- Adjacent zoning and Uses is consistent in Residential and Agricultural – 40 (RA-40).
- Rezoning to RA-40 is consistent with the adjacent properties and would allow for lower-intensity land uses if future redevelopment of the property were to occur.
- Currently the Neighborhood Business (B-1) zoning district has 45 allowable uses.
- Currently the Residential and Agricultural RA-40 (RA-40) zoning district has 17 allowable uses.

Allowable Use Comparison

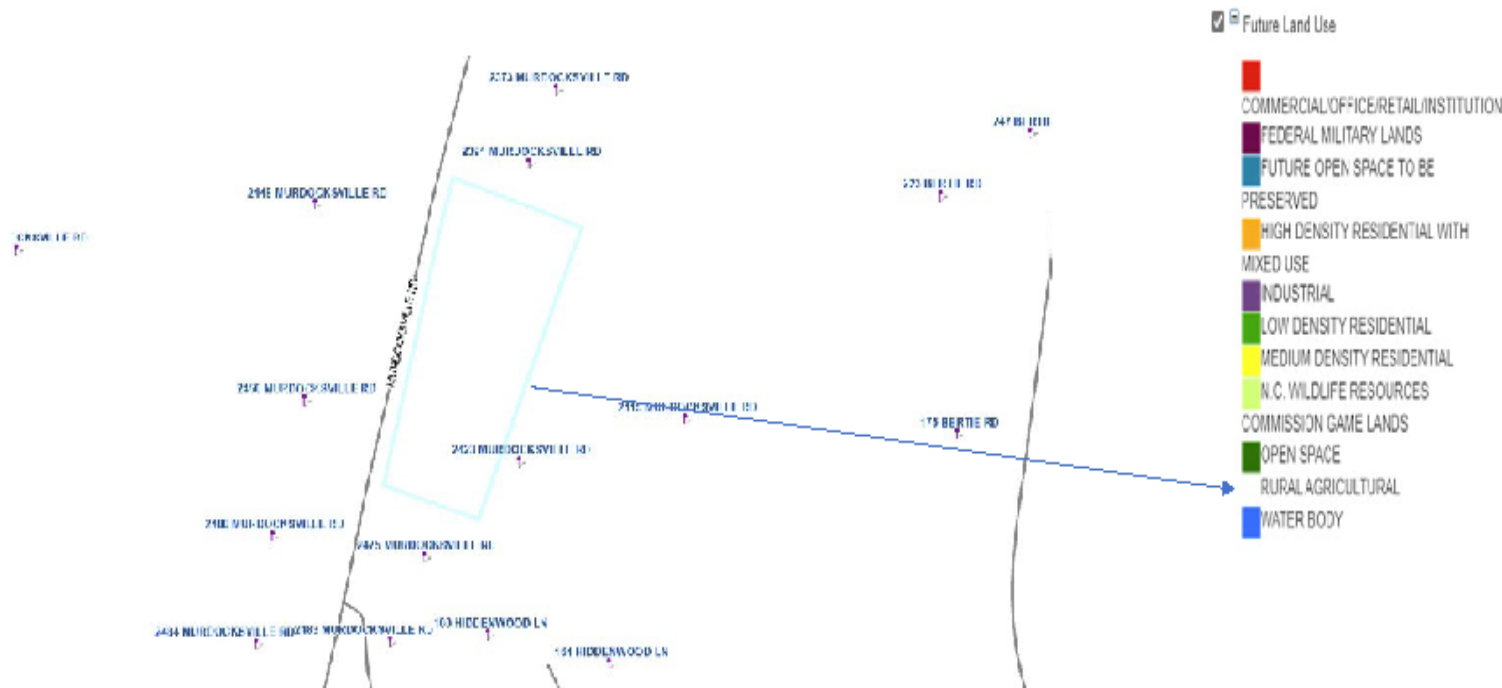
Allowed in Neighborhood Business (B-1)	Allowed in Residential & Agricultural 40 (RA-40)
Agricultural Uses and Buildings	Agricultural Uses and Buildings
Group Care Facility (Special Use Permit);	Dwellings, Single Family;
Nursing Home	Dwellings, Duplex
Kennels Overnight (Conditional Zoning); Pet Day Care, Grooming, Obedience Training;	Faily care Home (6 or less)
Veterinary Clinic	Manufactured Home
Commissary Kitchen;	Nursing Home (Special Use Permit)
Dry Cleaning and Laundromat;	Bed and Breakfast (Conditional Zoning)
Office	Cemetery or Mausoleum, Commercial (Special Use Permit)
Small Appliance Repair Shop	Child Care Facility (Special Use Permit)
Trade Contractor Office and Workshop (Conditional Zoning);	Government Facility
Auction House	Neighborhood Park
Convenience Store	Recreation, Low Impact Outdoor
Feed and Seed Sales	Public & Private Utility Facilities
Florist	Antenna Colocation, Major (Special Use Permit)
Flea Market (Conditional Zoning)	Antenna Collocation, Minor
Garden Center	Small Wireless Facility (Special Use Permit)
Restaurant	Residential Major Subdivision (Special Use Permit)
Retail	
Car Wash & Detailing	
Commercial truck wash (Special Use Permit)	
Parking lot as a Principal Use	
Taxi Service (Conditional Zoning)	
Vehicle, Auto Parts Tires, Farm Equipment, Boat, RV- Sales, Rental or Service	
Vehicle Service Station (Gas Stations)	
Vehicle Wrecker Service (Conditional Zoning)	



Allowable Use Comparison

Allowed in Neighborhood Business (B-1)	Allowed in Residential & Agricultural 40 (RA-40)
Massage & Bodywork Therapy	
Cemetery or Mausoleum, Commercial	
Child Care Facility	
Funeral Home with Crematorium	
Museum/ Art Gallery	
Religious Institution	
School, Elementary/Middle/High	
Office	
Small Appliance Repair Shop	
Trade Contractor Office and Workshop	
Airstrip, Small Private	
Civic / Social Club, Lodge, Organization	
Neighborhood Park	
Recreation Indoor (Special Use Permit)	
Recreation Low Impact Outdoor	
Manufacturing & Sales Pottery	
Public & Private Utility Facilities	
Antenna Collocation, Major	
Antenna Collocation, Minor	
Small Wireless Facility	
Telecommunications Tower, Minor	
Mini-Warehouse(self-service) (Conditional Zoning)	
Debris Management Facility (Conditional Zoning)	

FUTURE LAND USE MAP



Consistency with the 2013 Moore County Land Use Plan

- FLUM – Rural Agricultural classification’s primary use of land is to support rural residential life associated with agricultural uses (e.g. row crops, forestry, horticulture, grazing, poultry, dairy, swine operations, and intensive agricultural uses in certain areas) and other rural activities. Major subdivisions of land are strongly discouraged; however, family subdivisions and subdivisions of four or less lots would be considered.
- The requested rezoning to Residential and Agricultural (RA-40) **is consistent** with the Rural Agricultural classification, because of the reference to residential family subdivisions and subdivisions of four or less lots

BUT

it is more consistent with the land use classification of **medium density residential** in the Moore County Land Use Plan.

Consistency with the 2013 Moore County Land Use Plan

- The Land Use Plan and Future Land Use Map show the surrounding area as RA, but this area was already zoned RA-40 when the Future Land Use Map was created. This is an issue needing to be addressed during the rewrite of the Future Land Use Plan.
- In this case, if the rezoning to RA-40 is approved, this parcel will be shown as **medium density residential** on the Future Land Use Map.
- The rezoning request does align with the Future Land Use Plan (not the map as mentioned above) classification of Rural Agricultural and Medium Density Residential, and aligns 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).
 - **Recommendation 1.8:** Discourage undesirable or unattractive land uses, especially within high visibility areas.
 - **Action 1.8.5:** Support and promote infill development that will optimize the use of existing infrastructure.
 - The requested rezoning to RA-40 will reduce intensity and number of allowable uses on the property.

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 3.772 acres, located on Murdocksville Rd, from Neighborhood Business (B-1) to Residential and Agricultural - 40 (RA-40) owned by Victor Cheechov per Deed Book 4630, Pages 256-259 and further described as Parcel ID 00014941 in Moore County tax records.

Exhibit B



County of Moore
— North Carolina —

Planning Board

March 7, 2024



County of Moore
— North Carolina —

Text Amendments to the Unified Development Ordinance – Chapter 6

Background Information

- To Amend Unified Development Ordinance Amendments to Chapter 6 – Table of Uses, Section 6.2.C.4. (Accessory Uses - Maximum Structure Size)
- Section 6.2.C.4 Accessory Uses – Maximum structure size currently states:
 - i. No accessory structure's maximum size shall exceed the floor area associated with the principal use or structure it serves.
- Hardship for many property owners.
- Definition not size determine Use as Accessory

Bold Text – proposed additions to the ordinance
~~Strikethrough Text~~ – proposed deletions from the ordinance

• ~~Section 6.2.C.4. ACCESSORY USES – MAXIMUM STRUCTURE SIZE~~

- ~~i. No accessory structure's maximum size shall exceed the floor area associated with the principal use or structure it serves.~~

The proposed amendment would correct the sections of the Unified Development Ordinance by removing unnecessary language regarding accessory uses maximum size.

There should be no requirement to differentiate size by the Use of a structure. The definition would determine principal vs accessory structures.

Consistency with the 2013 Moore County Land Use Plan

- Goal 4: Provide Information and Seek Citizen Participation.
 - Recommendation 4.1 Promote efforts to involve and inform citizens throughout various planning and permitting processes.
 - Action 4.1.1: Continue to support and implement easy to understand guidelines to incorporate throughout governmental departments.
- Intent of ordinance to allow for accessory use structure regardless of size.

The accessory use or structure is not determined by the size of the structure, it is incidental and subordinate to the principal use or building and shall be conducted or located on the same lot.

Recommendation

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

- **Motion #1:** Make a motion to adopt the attached **Consistent** or **Inconsistent** Planning Board Land Use Plan Consistency Statement and authorize the 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 amendments to Chapter 6 Section 6.2.C.4. (Accessory Uses - Maximum Structure Size) of the Moore County Unified Development Ordinance.

Exhibit C



County of Moore
— North Carolina —

Planning Board

March 7, 2024



County of Moore
— North Carolina —

Text Amendments to the Unified Development Ordinance – Chapter 7

Background Information

- Amend Chapter 7 (General Development Standards) - Section 7.8.F.1.iii (Highway Corridor Overlay District – Prohibited Uses- Urban Transition Sub-District), to remove: F.1.iii. Personal Workshop/Storage Building, and then renumbering the current #iv to #iii and then subsequently the rest of the list numerically to enhance clarity.
- Should be amended to remove the residential use of a personal workshop or storage building, as a prohibited use, to comply with the intent of the overlay district and its effect on commercial versus residential uses. The language was intended to be applicable to commercial and not residential uses.
- Hardship for many property owners.

Bold Text – proposed additions to the ordinance
~~Strikethrough Text~~ – proposed deletions from the ordinance

Chapter 7 (General Development Standards), Section 7.8.F.1..iii(Highway Corridor Overlay District- Prohibited Uses – Urban Transition Sub-District

F. PROHIBITED USES

• 1. URBAN TRANSITION SUB-DISTRICT

- The following use types are prohibited in the Urban Transition sub-district of the HCOD regardless of whether or not such use is allowable in the underlying zoning district:
 - i. Accessory Manufactured Home;
 - ii. Manufactured Home;
 - ~~iii. Personal Workshop/Storage Building;~~
 - ~~iv.~~ **iii.** Manufactured or Modular Home Sales;
 - ~~v.~~ **iv.** Storage Building Sales;
 - ~~vi.~~ **v.** All uses listed under “Adult Uses” in the commercial uses portion of the principal use table (see Chapter 6);
 - ~~vii.~~ **vi.** All uses listed under “Waste Related Services” in the industrial uses portion of the principal use table (see Chapter 6);
 - ~~viii.~~ **vii.** Cemetery or Mausoleum/Commercial;
 - ~~ix.~~ **viii.** Family Cemetery;
 - ~~x.~~ **ix.** High Impact Outdoor Recreation;
 - ~~xi.~~ **x.** Indoor Shooting Range;
 - ~~xii.~~ **xi.** Outdoor Shooting Range;
 - ~~xiii.~~ **xii.** Zoo/Petting Zoo;
 - ~~xiv.~~ **xiii.** Major or Minor Telecommunications Tower; and
 - ~~xv.~~ **xiv.** All uses listed under “Warehousing” in the industrial uses portion of the principal use table (see Chapter 6)

Consistency with the 2013 Moore County Land Use Plan

- Goal 4: Provide Information and Seek Citizen Participation.
 - Recommendation 4.1 Promote efforts to involve and inform citizens throughout various planning and permitting processes.
 - Action 4.1.1: Continue to support and implement easy to understand guidelines to incorporate throughout governmental departments.

The proposed amendment would ensure that standards accurately reflect the intent of the Urban Transition Sub – District, within the Highway Corridor Overlay District, regarding applicability of commercial vs. residential uses per the ordinance.

Recommendation

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

- **Motion #1:** Make a motion to adopt the attached **Consistent** or **Inconsistent** Planning Board Land Use Plan Consistency Statement and authorize the 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 amendments to Chapter 7 Section 7.8.F.1.iii (Highway Corridor Overlay District – Prohibited Uses- Urban Transition Sub-District of the Moore County Unified Development Ordinance.