

MINUTES
MOORE COUNTY PLANNING BOARD
THURSDAY AUGUST 1, 2024
MOORE COUNTY HISTORIC COURTHOUSE- 2ND FLOOR

Board Members Present:

Chairman David McLean; Members Ron Jackson, Guy McGraw, Tucker McKenzie, Farrah Newman, Ray Daly, Tyler Brady, John McLaughlin.

Board Members Absent: Joe Garrison

Staff Present:

Debra Ensminger, Planning Director, Danielle Orloff, Senior Planner, Ginger Bauerband, Planning & Zoning Specialist.

CALL TO ORDER

Chair David McLean called the meeting to order at 6:00 PM

INVOCATION

Board Member John McLaughlin provided the invocation.

PLEDGE OF ALLEGIANCE

Chair McLean led the pledge of allegiance.

MISSION STATEMENT

Board Member, Farrah Newman, read the Moore County Mission Statement.

APPOINTMENT OF MEETING SECRETARY

Chair McLean made a motion to appoint Ginger Bauerband as Clerk to the Board. The motion was seconded by Member McLaughlin. The motion unanimously passed 7-0.

EMERGENCY ADDRESSING OF THE PLANNING BOARD

Planning Director, Debra Ensminger, informed the board that Associate County Attorney, Tron Ross, had taken ill and EMT was on the way. Ms. Ross was in a room in the Historic Courthouse building, across from where tonight's meeting was taking place.

Planning Director Ensminger advised that the board will need to appoint a Vice-Chair since David McClean's appointment to Chair of the Planning Board by the BOC, the Planning Board needed to appoint a Vice-Chair.

Ensminger welcomed the newly appointed Planning Board Member, Tyler Brady.

PUBLIC COMMENT PERIOD

Joe Freeman-410 Owl Farm Rd., Star, NC. Mr. Freeman spoke in opposition to the proposed rezoning for Motorsports racetrack from RA to Planned Development CZ. Mr. Freeman spoke to the detrimental consequences of paving this massive area in a rural and agriculturally

supportive area. 396 acres would be rezoned from RA to CZ. Freeman spoke of the Town and Country atmosphere that would be disrupted with high density projects and development. Once this large tract is paved over, it will never return to a natural, rural state.

Mrs. Linda Jones. 410 Owl Farm Rd., Star, NC.

Mrs. Jones spoke in opposition to the proposed 3-mile racetrack conditional rezoning request per inconsistency with the current UDO and current Land Use Plan. Mrs. Freeman expressed concern of irrevocable changes to agricultural zoned areas, commenting the Planning Board may have to come to terms with saying 'No', if the proposed rezoning will irrevocably change the rural uses and landscape or rural Moore County.

Gene Shutt 418 Owl Farm Rd.

Mr. Shutt spoke in opposition to the proposed rezoning on Lynch Rd. Mr. Shutt expressed concern of losing the elements of rural Moore County will affect future generations indefinitely by loss of natural areas, thus losing wildlife, agricultural land that supplies the food chain, wood for furniture, forests that clean and purify air capturing carbon rather than omitting. Mr. Shutt commented the County has done an excellent job controlling growth and protecting rural spaces per the 2013 LUP. Mr. Shutt suggested the county is becoming an island and in danger of allowing uncontrolled development. Mr. Shutt asked the board to continue as a model example of responsible and consistent development by adhering to the current LUP as it is written.

Mr. Kevin Stewart, Robbins, NC.

Mr. Stewart spoke in favor of the proposed Motorsports CZ per Robbins being penalized from the tier system of funding. Mr. Stewart pointed out the state appointed 'Opportunity Zone' in Robbins, put in place to allow Robbins to overcome the funding disqualifications per the tier system. Mr. Stewart advised these race cars will be muffled and take measures to control sound.

Mr. Clint Mack, Robbins Town Manager, resides at 135 Dr., West End, NC.

Mr. Mack spoke in favor of the proposed development per loss of economic development opportunities in Robbins since companies moved overseas. 2007 Robbins had lowest utility rates and property tax rates in the County. Now they are the highest in 15 years. Mr. Mack discussed lack of opportunities for local jobs in Robbins. Mr. Mack reminded the board that Moore County is known for luxury sport. He advised this project would be very beneficial for the population of Robbins.

CONSIDERATION OF ABSTENTIONS

There were no abstentions.

APPROVAL OF CONSENT AGENDA

Chair McLean called for a motion to approve the Consent Agenda. Board Member Ray Daly made a motion for approval of the consent agenda. Board member Guy McGraw seconded the motion. The motion unanimously passed 7-0.

ELECTION OF VICE CHAIR

Chair McLean called for a motion to nominate a Vice-chair.

MOTION: Member Daly made the motion to appoint Farrah Newman Vice Chair. Member Jackson Seconded. Motion passed unanimously 7-0.

Chair McLean made the statement regarding the role of the Planning Board in the Public Hearings is to review and make recommendations to the BOC who has the ultimate deciding authority.

PUBLIC HEARINGS

1. Planning - Unified Development Ordinance Amendments to Chapter 3 (Intent of Zoning Districts) Section 3.15 (Industrial (I) District), Chapter 6 (Table of Uses), Section 6.1 (Principal Use Table) and Chapter 8 (Specific Use Standards) Section 8.88 (Recreation, Indoor)

Senior Planner, Danielle Orloff, presented staff report for the item and clarified this is a citizen-initiated text amendment. Orloff explained the purpose of industrial zoning and uses within the zoning per the County's UDO Table of Uses. Orloff presented maps illustrating the location of Industrial districts throughout the County and described the locations. Orloff reiterated the staff-initiated text amendment, and the purpose is to allow a high level gymnastics training facility where indoor athletic facilities are currently not allowed, which prompted the text amendment. Orloff continued, the first measure to address was to amend the intent of the industrial zoning district to include indoor recreation uses. Staff analysis revealed surrounding counties have different levels of industrial zoning (like Light or Heavy), but Moore County does not have any such distinction. The next item to address was Chapter 6 in Table of Uses to add a 'P' to indicate permitted use under indoor recreational uses where is currently not permitted under industrial zoning. The final step was to amend Chapter 8 (Specific Use Standards) to include 'Gymnastics Training' in the definition of indoor recreation. Staff felt it was necessary to add specifically the use classification 'gymnastics training', and to add standards specific to gymnastics training facilities in addition to current standards: minimum 2 acres, all training shall occur indoors, no events shall occur outdoors, maximum # students #50, 1 parking space for every 2 participants and 1 for each coach, hours of operation 7am-10pm.

Orloff continued, with regards to the 2013 LUP consistency and inconsistency statements and acknowledged a typo in the packets sent to PB members, the statement read overhead was corrected and would be correct on the signature form. Orloff read the consistency and inconsistency statements prepared by staff. Orloff reiterated these text amendments will apply to every industrial zoned parcel.

Member Ron Jackson asked if the specific standards of 7am to 10pm operating hours will apply to all future recreation indoor gymnastics training, and is this standard applied to all indoor recreational uses? Orloff informed the board that the 7am-10pm hours of operation do not apply to other recreational indoor uses. Member Jackson asked the standard was applied? Orloff reiterates this was a citizen-initiated text amendment and defers to allow the applicants to address

the board with their reasoning for the hours of operation standard they initiated. Planning Department Director Ensminger addresses the board and clarifies the text was initiated by the applicants. The applicants then addressed the board. They had signed up to speak in Public Comments during the public hearing or this item.

PUBLIC COMMENTS

Roy Harvel, US1 Realty Group Keller Williams Pinehurst, 195 Short Rd. Southern Pines NC & Anita Kelso, 2875 Linden Rd. Aberdeen NC.

Mr. Harvel stated the reason for initiating the text amendment request was due to his client, Anita Kelso, finding an available building located in the industrial zoning district that fit the needs of her intended use. Harvel explained they understood it would affect the entire County Industrial Zoning district and all future uses. He went on to say they were not opposed to later permissible night hour operations. Harvel continued, there should be some alternative uses for vacant available facilities in industrial zoning locations, where there is currently little development like Northern Moore County. Harvel said his client intended to continue using the storage spaces on this property as a source of income.

Member Jackson asked about the 50-person limit and the hours of operation, and noted this would be the standard for all indoor gymnastics training centers going forward, and what was the reason for the 2-acre minimum.

Harvel advised the 2-acre minimum and other standards they proposed as applicants were on the advice of counsel per creating a non-offensive proposition.

Member Jackson expressed concern the limitations could limit interest and opportunities for future applicants. Harvel responded those limits suited the purpose of this particular business plan. Harvel concluded they (he and his client) did not want to rezone, they wanted to use the building currently in Industrial zoning for this purpose.

Member McLaughlin asked Orloff about the language in the text amendment, whether there is a clear enough distinction between 'training' and 'recreational' uses.

Chair McLean began to close the Public Hearing, Member Jackson asked if the language in the amendments could still be modified at this point, can they remove items A, C, &E prior to voting. Member McKenzie expressed concerns over how County Staff can enforce participant limitations. Orloff explained the applicant will go through the commercial building permitting process that will include the Fire Marshall, and will have to meet those specific requirements in order to obtain CO. Orloff further clarified these standards are specific to gymnastics training only, but other indoor recreational uses would become permissible in Industrial Zoning. Chair McLean summarized the 2 items to be decided, 1) Adding Indoor Recreation to a permitted use in Industrial zoning, 2) Adding gymnastics training and specific standards to gymnastics training to the definition of Indoor Recreation.

Member McLaughlin stated for the record his concern over permitting recreational uses in the Industrial Zoning areas.

MOTION #1: Member McKenzie made a motion to approve the LUP Consistency Statement. Member Daly seconded. Motion passed unanimously.

MOTION #2: Member Jackson made a motion to modify the text amendment with A., C., and E., stricken from the text and approve as amended. Member Daly seconded.

Ayes: Chair McLean, Vice-Chair Newman; Members McGraw, Daly, Jackson, and Brady.

Nays: Members McKenzie and McLaughlin.

Motion carried 6-2.

**PLANNING DEPARTMENT REPORTS:
UPCOMING EVENTS**

Director Ensminger was asked by the board how Tron is doing, there was no update at that time.

- ❖ Ensminger reminded the board the next LUP Steering Committee meeting is Tuesday, August 13, 6pm at the Ag Center. Member Joe Garrison (absent) is representing the Planning Board on that committee. Planning Board members are welcome to attend.

- ❖ Next Planning Board meeting is September the 5th. There is a rezoning request, and the proposed luxury motorsport hearing is on the agenda.

BOARD COMMENT PERIOD

There were no board comments.

ADJOURNMENT

Chair McLean called for a motion to adjourn.

MOTION:

Vice-Chair Newman made the motion to adjourn. Member McGraw seconded. Motion passed unanimously.

Meeting adjourned at 7:06pm.

Respectfully Submitted,

Ginger Bauerband, Clerk to the Planning Board

Chair David McLean