Moore County
Planning Board

February 6, 2025 | 6:00 PM
Historic Courthouse
1 Courthouse Square
Carthage, NC 28327

MINUTES

CALL TO ORDER *Chairman*
Chairman David McLean called the meeting to order at 6:00pm. Members present: Vice-Chair Farrah Newman, John McLaughlin, Tyler Brady, Joe Garrison, Ron Jackson, Guy McGraw. Members absent: Tucker Mckenzie, Ray Daly.

INVOCATION *Member Volunteer*
Member Joe Garrsion led the invocation.

PLEDGE OF ALLEGIANCE *Member Volunteer*
Chairman McLean led the Pledge of Allegiance.

MISSION STATEMENT *Member Volunteer*
Member McLauglin read the mission statement.

I. PUBLIC COMMENT PERIOD

Terry Bryant, 111 Byant Rd. Carthage, Moore County resident, addressed the board. Mr. Bryant addressed the wish of residents to maintain the rural and agricultural nature of the county as long as possible. Mr. Bryant continued, understanding there will be changes in our landscape per development and new residents, but noted the need for change to be quality changes, "quality that you cannot buy at a Dollar General store." Mr. Bryant acknowledged his seat held previously on the Planning Board many years ago. Mr. Bryant asked current Planning Director, Debra Ensimnger, about 2 items on the agenda, whether they had in fact been struck from the agenda? Ensminger responded: Public Hearing items #2 & #3 have in fact been withdrawn by the applicant. Mr. Bryant continued, he appreciated the applicant respecting the apparent wishes of the public, this rezoning application is a wake-up call for our community and the courtroom would have been full tonight if the applicant had not withdrawn. Bryant stated his wishes of quality zoning, and that the 15/501 corridor reflects what the 2013 Land Use Plan has outlined. Bryant stated he is hoping the current Land Use Plan Steering Committee will also value preservation of the rural and agricultural elements of the county. Bryant thanked the board.

R. V. Hight 3181 Chris Cole Rd., Sanford, NC, addressed the board. Hight acknowledged his wife owns property in the White Hill community of Moore County which would have been directly affected by the Public Hearing items #2 & #3 that have been withdrawn. Hight continued: He is a former newspaper editor and thanked the Planning Board for their service. His father was a Highway Patrolman in Carthage in 1962. His father was killed in a traffic accident on 15/501, almost within site of the parcels that would have been considered for rezoning if they had not been withdrawn. Hight addressed the importance of traffic safety on that highway in all future zoning decisions. Hight continued: His wife's family has owned that land for over 100 years. Grandfather was the Police Chief of Carthage who was killed in the line of duty. Hight noted the traffic from the US Open was backed up all the way to her property. Hight thanked the board for the opportunity to speak.

II. CONSIDERATION OF ABSTENTIONS

Chairman McLean asked the board if there were any conflicts of interest? Hearing none, McLean moved to the next item on the agenda.

III. APPROVAL OF CONSENT AGENDA

All items listed below are considered routine and will be enacted by one motion. No separate discussion will be held except by a member of the Planning Board:

Member Garrison moved, Guy McGraw seconded. Motion to approve Consent Agenda passed unanimously.

1. Planning - January 2, 2025 Meeting Minutes

IV. PUBLIC HEARING

1. Planning - Density Averaging of Non-Contiguous Parcels Request for Black Point Development, LLC – Area 1-9 (Stonegate Revised Final Plat) to Lots 9,10,11,12,13,14,15,16 and 20 (Chandler Hills Revised Final Plat)

Chairman McLean adjourned the board as Planning Board and re-convened as Watershed Review Board.

Ensminger introduced the request to the board. Ensminger noted the item has been in process for a year, acknowledging applicants Mr. Kirkpatrick and Mr. Adams. Ensminger continued, density averaging is allowed through the Watershed Ordinances of NC, and the statutes regarding density averaging, which are the rules the County follows.

Senior Planner Danielle Orloff presented the particulars of the application to the Watershed Review board. This request is allowed per approval by the Watershed Review board. All legal requirements, including the legal ad, have been met. Allocation is to be taken from area that will not be developed in Stonegate subdivision, and added to lots 1-9 in Chandler Hills. All lots on the Chandler Hills plat are currently approved for 12% impervious surface. Orloff explained the purpose of the request is to increase the allowable BUA (Built Upon Area) for the Chandler Hills lots that have a current limit of 12% BUA.

Garrison recapped, the applicant has met all legal requirements and the request is permissible per NC Statutes? Orloff concurred.

Chairman McLean opened the Public Hearing. The applicant, James Kirkpatrick, addressed the board. Kirkpatrick explained his interest in the project, Seven Lkes West, had been a large arduous process. Kirkpatrick continued, he is not the first developer, but had picked up this process after the previous developer (3rd developer) sold the project. Kirkpatrick explained the reasoning behind the application was to allow for greater BUA for these lots. Kirkpatrick explained the density averages of the Seven Lakes West development is 16% over what's allowed, per side garages and driveways, etc.... Kirkpatrick met with the Seven Lakes West HOA prior to purchasing for discussion of greater BUA being acceptable. Kirkpatrick continued, Stonegate had 4 additional lots that could not be built upon because the Stonegate HOA did not want more than 12. Therefore, taking watershed allocation from the Stonegate lots that cannot be built upon (ending up with 8 acres) in order to increase BUA of the Seven Lakes West lots was reasonable. Kirkpatrick acknowledged the State has acknowledged its allowance of density averaging and allocation.

Kevin Bartlett, 664 Ester Rd. Eastwood, general contractor who works with Kirkpatrick spoke on behalf of the applicant. Bartlett stated he works closely with the HOA to ensure project compliance. Bartlett reiterated the State allows density allocation. Barlett continued, without the density averaging allocation, development meeting HOA standards cannot continue. Bartlett thanked the board.

Donald (Buck) Adams, Pinehurst, attorney for the applicant, addressed the board. Adams acknowledged the Planning Department's helpfulness with this allocation application. Adams noted all approvals were in place. Adams thanked the board.

Chairman McLean closed the Public Hearing.

MOTION: Garrison moved to **approve** the request as written. McLaughlin seconded. Motion passed unanimously.

McLean closed the Watershed Board.

2. Planning - **WITHDRAWN** Conditional Rezoning Request: Rural Agricultural (RA) to Highway Commercial Conditional Zoning (B-2-CZ) for a Retail Sales Use – Parcel “A” PID 00006994 – US 15-501 Highway

3. Planning - **WITHDRAWN** Conditional Rezoning Request: Rural Agricultural (RA) to Industrial Conditional Zoning (I-CZ) for a Warehouse Distribution use – Parcel “B” PID 00006994 – US 15-501 Highway

4. Planning - Unified Development Ordinance Amendments to Chapter 8 (Specific Use Standards) Section 8.29.A.1 and 8.29.A.2. (Child Care Home Facility) (Definition)

Chairman McLean re-convened the Planning Board and opened Public Hearing #4. Senior Planner, Danielle Orloff, presented the item. Orloff explained the cause of the text amendment was due to receipt of a home child care facility application, requesting a specific number of children allowable, that led to the discovery of a discrepancy in the state statute which stated that same number in 2 separate standards. The state is going to correct their standards. The Planning Department is recommending changing the language to include "will meet statutory requirements" to avoid multiple text amendments whenever standards change with the state, to ensure compliance.

There were no Public Speakers. Chairman McLean closed the Public Hearing.

MOTION #1: Vice-Chair Newman motioned to adopt the Land Use Plan Consistency Statement as **consistent**. Guy McGraw seconded. Motion passed unanimously.

Garrison asked if the Board was required to cite a basis of reasonableness and consistency? McLean affirmed this was the case.

Vice-Chair Newman made an amendment to her **Motion #1**, citing Land Use Plan 1.7 Support or promote local businesses. McGraw seconded. Motion passed unanimously.

MOTION #2: Garrison moved to recommend **approval** of the text amendment as written. Brady seconded. Motion passed unanimously.

5. Planning - Unified Development Ordinance Amendments to Chapter 19 (Subdivisions) Section 19.14 (Performance Guarantees for Major Subdivisions), and Section 19.14.K (Maintenance), Chapter 9 (Nonconforming Situations), Section 9.5 (Expansion), and Section 9.7 (Replacement), Section 9.7.C (Signage), and Section 9.8 (Movement), Chapter 7 (General Development Standards), Section 7.15 (Signs), Section 7.15.G (Obsolete Signs), Chapter 20 (Definitions), Section 20.2 (Definitions) to amend the definition of “Built-Upon Area”, Chapter 8 (Specific Use Standards), Section 8.20 (Bona Fide Farm) to add the boarding of horses to the list of agricultural uses, Chapter 20 (Definitions), Section 20.2 (Definitions) to amend the definition of “Land Development Regulation.”

Senior Planner, Danielle Orloff, introduced the UDO text amendments. Orloff explained the NC laws had changed affecting certain sections of the Moore County UDO. The text amendments are required in order to be compliant with State laws. Orloff read the amendments and reasons for each.

Terry Bryant spoke during Public Comments. Bryant commented regarding impervious surfaces. According to the ordinance, deck slating is not an impervious surface, nor is the surface of a swimming pool. Bryant continued, the surface area of a swimming pool does constitute impervious surface because the water cannot flow through the bottom of the pool, but it must run off.

MOTION #1: Garrison moved to adopt the Land Use Plan Consistency Statement as **consistent**. McLaughlin seconded. Motion passed unanimously.

MOTION #2: Garrison moved to **approve** text amendments as written. Brady seconded. Motion passed unanimously.

V. PLANNING DEPARTMENT REPORTS

Debra Ensminger

Planning Director Ensminger addressed the Board and meeting speakers and attendees. Ensminger advised the board the Land Use Plan Steering Committee has 2 meetings remaining before their process concludes and text will begin to be written. March is the final meeting of the LUPSC. There will be a Planning Board meeting in March. There are numerous items on the agenda. Ensminger advised, the BOC continued 2 items from the January meeting per the winter weather event last month. Those 2 items will be heard at the February 18, 2025 BOCC meeting. This concluded the Planning Department report.

VI. BOARD COMMENT PERIOD

There were no comments.

VII. UPCOMING EVENTS

- February 11, 2025 Land Use Plan Steering Committee: 6pm Agricultural Center
- February 18, 2025 Board of Commissioners: Historic Courthouse
- March 6, 2025 Planning Board: 6pm Historic Courthouse

ADJOURNMENT

Chairman McLean called for a motion to adjourn.

MOTION: Garrison moved to adjourn. Brady seconded. Motion passed unanimously.

Meeting adjourned at 6:55pm.