

## MINUTES

### RANDOLPH COUNTY PLANNING BOARD

**January 11, 2000**

There was a meeting held at 6:30 p.m., on Tuesday, January 11, 2000, of the Randolph County Planning Board in the Commissioners' Meeting Room, Randolph County Office Building, 725 McDowell Road, Asheboro, North Carolina.

1. Chairman **Maxton McDowell** called to Order the Randolph County Planning Board Meeting at 6:30 p.m.
2. **Hal Johnson**, Planning Director, called roll of the Members: Maxton McDowell, Chairman, present; Bill Dorsett, Vice Chairman, present; Lynden Craven, present; Tommy Boyd, present; Al Morton, present; Phil Ridge, present; Larry Brown, present; and Mark Brower, Alternate, present.
3. **Al Morton** made the motion, seconded by **Larry Brown**, to approve the Minutes of the December 7, 1999 Randolph County Planning Board Meeting. The motion passed.

4. **Swearing in of the Witnesses:**

“Do you swear or affirm that the information you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?”

2 citizens took this Oath.

5. **SPECIAL USE PERMIT REQUESTS:**

- A. **JOHN & BRENDA MARION**, Climax, North Carolina, is requesting a Special Use Permit to allow a telephone contractors office (in an existing 3000 sq. ft. building) at their future residence, 4709 Mack Lineberry Road, 34.61 acres, Providence Township, Polecat Creek Watershed, Zoning District RA, Parcel ID# 7785491339. Marion was present and explained that the building had been used by the previous owners for Paul Bare Plumbing. There is an apartment in the top of the building that he plans to use for an office. Marion said that he has 5 employees and would be using the building for an office and shop. Marion was asked about the trailer that is on the property and he explained that it is in bankruptcy court and would not be part of his business. Marion said he plans to build his personal residence here. Marion said that he plans to build a shed behind the building later for his backhoe, tractor, and trencher.

**There was no one present in opposition to this request.**

**Dorsett** said that the property is kept nice and neat and this is usually an indication of how a business would be operated by a property owner.

**Boyd** said that it didn't seem out of character with the community.

**Brown** said he felt his outside storage should be limited to the currently cleared area.

**Craven** made the motion, seconded by **Boyd**, to **approve** this request for a Special Use Permit. The motion passed unanimously.

6. **REQUESTS FOR PROPERTY REZONING:**

- A. **JERRY & KEN HILL**, Asheboro, North Carolina, are requesting that 115.03 acres located on Sawyersville Road (just past Stutts Road), Cedar Grove Township, be rezoned from Residential Agricultural to Residential Exclusive/Conditional Use. Parcel ID# 7721641089. The Conditional Use would specifically allow the development of a major residential subdivision of 85 lots for site built homes only. Property Owner: Armond Corporation.

*Al Morton asked to be excused from the discussion and vote of this request.*

**Don Lanier**, consultant represented the property owners, and stated that the owners are now proposing an 82 lot subdivision due to the existing stream on the property that would require a 50 ft. buffer along each side of the stream. Lanier stated that 80% of the development around this property is stick built homes and this development would be exclusively stick built and not allow double-wide or modular homes. Lanier named several site built subdivisions in the area - Amity Woods, Back Creek, Hunter's Ridge, and Wedgewood and explained that this development would be comparable. Lanier stated that the average lot size will be 1.3 acres along a loop road that would have two entrances along Sawyersville Road for better access. Lanier said that they have had a private soil scientist to look at the soils. Lanier also discussed proposed private restrictions.

**Johnson** asked Lanier if there were any wetlands on the property. **Lanier** said that there were some low lying areas but there were no wetlands to their knowledge. **Johnson** asked Lanier if they had contact N.C.D.O.T. about the entrances they are proposing. **Lanier** answered no but felt that they would comply with the minimum site distances required.

**Ridge** asked what size homes would be constructed. **Lanier** answered that they would be a minimum of 1200 sq. ft. of heated space. **Ridge** asked if they had proposed any additional restrictions and **Lanier** said that they would have a 4 on 12 pitch roof with no exposed block foundations.

**Boyd** commented that they combined the lots along the entrances to allow access to the new loop road instead of the existing road. **Lanier** said that they would be open for discussion on any of these type of changes.

**John Trotter**, 608 Sawyersville Road, said that he had bought his place off of this property. Trotter said that he has been living here for 40 years and he knew of 5 wells that have had to be drilled (due to water problems) in this area. Trotter expressed concern for the 5 branches and the creek, the steep hill, and the bottoms and swamps on this property. Trotter said he didn't think there should be more than 25 or 30 homes sites allowed on this property. Trotter discussed the traffic along Sawyersville Road with the

logging trucks, school buses, and boaters traveling to Lake Reese. Trotter said he would guess that there is at least 40 acres of this property in swamps and branches.

**Sarah Southern**, 993 Sawyersville Road, said that she has lived here since 1978 and is opposed to this dense of a development. Southern read from a letter that had been sent to the Board from Mr. Hart a property owner (that now lives in Davidson County) that was raised in this area. Southern said that the 85 new homes would change the rural character of their community. Southern expressed concern for the additional 170 cars that would travel along Sawyersville Road. Southern stated that they liked their rural setting and would like it to remain.

**There were 11 citizens present in opposition to this request.**

**Boyd** said that just looking at the adjoining properties the request didn't seem to be out of character.

**Dorsett** said that looking at the maps the adjacent parcels appear to be greater lot sizes.

**Brown** asked the applicants if their was any change they would be willing to cut the number of lots down. **Hill** said that he felt this would happen when the development was laid out on the ground.

**McDowell** asked how many lots realistically did they expect. **Lanier** answered probably 73 to 75 lots.

**Brown** said that they adjacent property owners didn't seem to be so against the request, just the number of lots.

**Johnson** advised that the Board could direct the Planning Staff to work with the applicants on a feasible number of lots prior to the Commissioners' Meeting.

**Craven** said that since the applicants do meet the criteria of the County, he would make a motion to recommend to the Commissioners that this request be **approved** with the requirement that the applicants work with the Planning Staff to determine a feasible number of lots. **Ridge** seconded this motion.

**Dorsett** said that the law clearly states the minimum lot size and the Board doesn't have the right the coheres a minimum size but he did feel the density of the lots is a concern. Dorsett said that he felt 1.3 average lot sizes is too dense for this area and personally he felt they should be 5 acres.

**Boyd** said that he was not opposed to the 1.3 acre average lot size.

**Ridge** said he agreed with Boyd but he would like to see the applicants provide proposed private restrictions prior to the Commissioners' Meeting.

The motion passed by a 5 to 1 vote - **Brown** voted against the motion.

- B. **CEDAR CREEK LAND COMPANY**, Lynchburg, Virginia, is requesting that 150 acres (out of 651 acres) located on Bachelor Creek Road, Richland Township, be rezoned from Residential Agricultural to Residential Restricted/Conditional Use. Parcel ID#

7687554187. The Conditional Use would specifically allow the development of a 39 lot residential subdivision for double-wide mobile homes (on permanent masonry foundations), modular homes, or site built homes. Property Owner: Edwards Timber Company, Inc.

**Charles Bullock** Managing Partner of Cedar Creek Land Company. 701 Carthage Street, Sanford, provided the Board with copies of the proposed road maintenance agreements for the private roads and explained that they would set up a homeowners association a minimum dues of \$150 per year for the upkeep of the roads. Bullock also provided the Board with proposed restrictive covenants that included the following:

No commercial activity, no single-wide mobile homes, no double-wides less than 5 years old, one dwelling per lot, a minimum size double wide of 1500 sq. ft., a minimum site built or modular home of 1200 sq. ft., only brick or stucco foundations, 50 ft. front setbacks, must have an outbuilding of 80 sq. ft. within 90 days (of the placement of the home), no more than 1 untagged vehicle that must be covered and kept in the back yard, etc.

Bullock said that they would also require an acknowledgment statement to be signed by any purchaser concerning these restrictions and the road maintenance agreement before a loan closing. Bullock said this property was auctioned-off last November and discussed problems that came up during the auction. Bullock said that they were in no way associated with the auction company or the timber company that currently owns the property. Bullock said that they have had a soil scientist on the property and he has said that this layout will work. Bullock discussed his meetings with Mike Walker, Randolph County Environmental Health Supervisor, Jeff Picklesimer, N.C. Dept. of Transportation District Engineer, and Chief Lamb, Fire Department. Bullock said that Picklesimer reviewed their plan and preliminarily approved the entrances and said that the existing road is scheduled for paving in the Spring. Bullock said that they had also spoke with Sharon Trogdon, Randolph County Schools, who said that there are two new schools that are scheduled to be built in this area. Bullock said that they do not plan to do any clear cutting of the timber, only enough for the driveways and home sites. Bullock said that this housing type is compatible in this area. Bullock said that they had looked at information from the County Building Inspections Department that showed Richland Township (within the last year) has been issued 11 site built homes building permits and 40 permits for double-wide mobile homes. Bullock said that they spoke with Ben Chavis, Randolph County Tax Collector, who said that subdivisions (of this type) didn't lower land values in a community. Bullock said that they realized that change is not easy.

**Dorsett** asked Bullock if N.C.D.O.T. had any plans to replace the one-lane bridge along this road. **Bullock** said that he didn't realize there was a one-lane bridge along this road and so they didn't asked about it.

**McDowell** asked if they are currently the owners of this property. **Bullock** answered no.

**Brown** asked the lengths of the private roads they are proposing. **Bullock** answered that one road would be 900 feet and the other would be approximately 1500 feet. **Brown** expressed concern that \$6000 a year would not be enough to maintain these two roads.

**Morton** expressed concern of the number of lots that would be fronting along Bachelor

Creek Road. Morton said that this seems to be an awfully narrow road.

**Dorsett** questioned if the corner lots would have outlets along the new roads or the existing road. **Bullock** said that they gave the purchasers the choice.

**Jon Megerian**, Attorney representing the opposition, said that he road out to the property and said to himself that he sure was glad that he was not having to represent the developers in this case. Megerian said that this is located 1.3 miles out on a dirt road with a single-lane bridge and there are no plans by D.O.T. to change the bridge (replace it). Megerian said that there are plans for a part of this road to be paved but it is not this part. Megerian said that this is the "cheapest cut-rate" type of development that could be proposed. Megerian said that it would be harder to argue the opposition if you had paved roads, not so many lots on an existing road, if the restrictive covenants were easily enforced, but this is not the case. Megerian said that it is hard to rely on the people that will be buying these mobile homes to maintain these roads. Megerian said that it also doesn't make sense that you can't propose houses in this area because it is not located close to Greensboro. Megerian said that this is the cheapest type of development that can be proposed in this County - mobile homes and private roads. Megerian presented a petition with 57 signatures of people in this area opposed to this request. Megerian asked for all those present in opposition to please stand - **75 people stood in opposition to this request.** Megerian said that the problem with this kind of homeowner's association is that the developers will set it up and then just walk away.

**George Bain**, 3966 Bachelor Creek Road, said that he is a geologist/hydrologist by profession and he has particular concern of the density that is being proposed in an area with this type of terrain. Bain said that there will be trouble if this amount of density is allowed in this area. Bain said that the people in this community are opposed and alarmed that this could happen in their community.

**Randy Cavalier**, 3902 Bachelor Creek Road, said that he has built a 2200 sq. ft. colonial home and he is opposed to this development. Cavalier said that the road is essentially a one-lane dirt road and he is definitely opposed to this.

**Brown** made the motion, seconded by **Craven**, to recommend to the Commissioners that this request be **denied** because it is obviously not compatible to the community. The motion passed unanimously.

- C. **APRIL MOORE**, Trinity, North Carolina, is requesting that 16.40 acres located on Hoover Hill Road, Tabernacle Township, be rezoned from Residential Agricultural to Residential Restricted/Conditional Use. Parcel ID# 7713448583 and Parcel ID# 7713448659. The Conditional Use would specifically allow the development of a 10 lot residential subdivision for double-wide mobile homes (on permanent masonry foundations).

**Larry East**, U.S. Hwy 311, presented this case and explained their intentions to develop this site primarily for double-wide mobile homes. **Hoor-Gloor Surveyors** was also present at this meeting. East said that they have had a soil scientist the approve the soils as the development is laid out. **Johnson** asked East if D.O.T. has approved the road connection he is proposing in this curve. **Gloor** answered no but they felt it would be approved. **East** described the area as having several single-wide mobile homes.

**Dorsett** questioned the easements that are being proposed for access to the back lots.

**Joe Beeson**, 1958 Hoover Hill Road, said that there are too many houses being proposed for not enough land. Beeson said that this is the most dangerous highway in Randolph County. Beeson said that there was a wreck 100 yards from this property about 3 weeks ago that a woman about died in.

**David Hunt**, 1909 Hoover Hill Road, said that he has lived here for 37 years. Hunt said that this will be 10 double-wides with 25 kids getting on and off the bus in this curve. Hunt said that 10 homes would be too many here. Hunt also said he only new of one single-wide near this property.

**Patsy Hunt**, 1909 Hoover Hill Road, said that she has lived here for 13 years. Hunt discussed a head-on collision that occurred in this section of Hoover Hill Road. Hunt said that it takes her daughter 1 ½ hours by bus to get to school now. Hunt also discussed several school bus accidents that have occurred on this road.

**James Benfield**, 1847 Hoover Hill Road, also discussed the dangers of this road and spoke about a river behind this property. Benfield said that this does not fit in their community.

**Kelly Amick**, 1848 Hoover Hill Road, said that he moved here to get out of a trailer situation. Amick said that he has an in-ground pool and is make an addition to his house that will face this property. Amick said express concern about the water pressure (on Davidson Water, Inc.) problems they already have and said this would just compound the problem. Amick said that if the County was to approve this development he would like to see the requirement of a privacy fence and buffers.

**There were 19 people present in opposition to this request.**

**Joanne Frisby**, 1725 Hoover Hill Road, spoke about road issues, traffic and density concerns.

**Craven** said that his main concern is that there are 6 strips of land here (that have the same appearance as this one) and if this is approved it would be setting a precedence for this type of development. For this reason, **Craven** made the motion, seconded by **Dorsett**, to recommend to the Commissioners that this request be **denied**. The motion passed unanimously.

- D. **RUSSELL LINEBERRY**, Siler City, North Carolina, is requesting that 48 acres (out of 91.12 acres) located at the end of Oliver's Chapel Road, Columbia Township, be rezoned from Residential Agricultural to Residential Restricted/Conditional Use. Parcel ID# 8735224254. Rocky River Watershed. The Conditional Use Permit would specifically allow the development of a 14 lots residential subdivision for double-wide mobile homes (on permanent masonry foundations), modular homes, or site built homes. Property Owner: Bobby Staley Teague.

Lineberry explained that he has done away with the private roads (in his proposal) and has reduced the number of lots from 23 to 14 lots. Lineberry said he has also done away with all the septic easements and the land along the west side of this parcel will be sold to an adjoining property owner and not developed. Lineberry said that he has eliminated all

single-wide mobile homes and all lots must be owner occupied. Lineberry provided a letter of recommendation for approval from the Major of Staley and other property owners in the area. Lineberry also provided a copy of the private deed restrictions he is proposing. Lineberry said that these lots will be sold to people that live in this area already and there is no one present in opposition to this request that live along Oliver's Chapel Road (the people that would be most effected by this development).

**Boyd** said that he felt this was a tremendous difference in this request and he felt this was a lot better.

**Ken Walker**, Atlanta Georgia, representative from Gold Kist, said that he didn't want to oppose re-zoning cases but he felt this one at this location was necessary. Walker said that they currently use 7 acres of their property for spray irrigation of waste. Walker said that they have 100+ growers in Randolph County and that he was sure the County has heard from them. **Johnson** said that they had received letters written by Gold Kist and signed by 50+ growers. **Walker** said that with this area not having any public water there would be some concern if Gold Kist expands their irrigation fields. Walker said that they were also concerned that the road could be extended and the 47 acre tract could be re-divided. **Johnson** asked Walker how long they had been at this site. **Walker** answered 4 years. **Johnson** said that there is a role of existing residences that have been here obviously longer than that. **Walker** said the facility was existing when they purchased it but that he wasn't sure how long it has existed.

**Craven** said he wasn't sure how these proposed 14 lots would prevent Gold Kist from be permitted to expand.

**Boyd** asked Walker why he wasn't at the last Planning Board hearing when this request came up. **Walker** said that he only heard about the request 3 days prior to the Commissioners' Meeting.

**Scott Reynolds**, Gold Kist Division Head Quarters, Sanford, said that the facility has been here since the 50's but was owned by other chicken companies. Reynolds said that they don't have any excess capacity at this time without expanding the fields.

**Tim Moffitt**, 6623 Hinshaw Farm Road, Ramseur, said that he has invested ½ million dollars in his operation and is supported by this hatchery and a hatchery in Siler City. Moffitt discussed money problems that can occur for the farmers if they can't grow chickens. Moffitt reminded the Board that with all the wonderful scenery in the country the odor comes with it. Moffitt said that someone has to provide food for us to eat. Moffitt said he didn't feel like he had to live beside this property for it to effect him.

**Della Freeman**, Freeman Ford, said that she would like to aspire for something more than what they developer has proposed. Freeman said that Staley doesn't have a police department and discussed the vandalism problems they have experienced. Freeman reminded the Board of the elderly lady killed in Staley recently and said that Ellington Grocery was also robbed in December. Freeman said that no restrictions have been proposed and the roads will not be paved.

**David Freeman**, Freeman Ford Manager, said that his only concern is the vandalism trouble that can not be controlled by the law officers due to the Sheriff's Department's lack of manpower. Freeman said that the Sheriff told him that he needed more officers

than what the County budgets for him.

**Morton** said that it seemed to him that they (Gold Kist) should have purchased the land to protect themselves if they felt the property may prevent them from expanding.

**Dorsett** said that it would be very unfair for the County not to allow Lineberry to develop the property due to the chicken company (possibly expanding).

**Craven** said that Lineberry was given a list of things to do and he has done everything the County asked of him for this reason Craven made the motion, seconded by **Dorsett**, to recommend to the Commissioners that this request be **approved**. The motion passed by a 5 to 2 vote - **Morton** and **Brown** voted against the motion.

- E. **DONALD GRAHAM**, Asheboro, North Carolina, is requesting that 2.94 acres located at 6220 U.S. Hwy 220 South, Richland Township, be rezoned from Residential Agricultural to Highway Commercial/Conditional Use. Parcel ID# 7666179779. The Conditional Use would specifically allow a welding fabrication and machine shop in the existing church building, an art studio in the second existing building, and a residence for the future property owner. Property Owner: Grace Baptist Temple of Asheboro.

**Graham** said that the art studio would be for his wife and the welding shop would be his business building aircraft parts. Graham said that there would be no junk or junk cars (outside storage) of any kind. Graham said that he realized he would need to meet building codes for the existing buildings to be used for commercial/ industrial purposes. Graham said that he has a 48' box trailer that he would use for storage and he also has an 80' portable wall that he could use for a buffer. Graham said that he would have 5 employees and operate on a 4 day work week.

**There was no one present in opposition to this request.**

**Brown** made the motion, seconded by **Craven**, to recommend to the Commissioners that they **approve** this request as per the site plan submitted. The motion passed unanimously.

- 7. The meeting adjourned at 9:43 p.m. There were 150+ citizens present for this meeting.

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**NORTH CAROLINA  
RANDOLPH COUNTY**

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**Planning Director**

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**Date**

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**Clerk/Secretary**