

**MINUTES**  
**RANDOLPH COUNTY PLANNING BOARD**  
**April 4, 2000**

There was a meeting held at 6:30 p.m., on Tuesday, April 4, 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, absent**; Al Morton, present; Phil Ridge, present; Larry Brown, present; and **Mark Brower, Alternate, absent**.
3. **Larry Brown** made the motion, seconded by **Bill Dorsett**, to approve the Minutes of the March 7, 2000, Randolph County Planning Board Meeting. The motion passed.
4. **REQUESTS FOR PROPERTY REZONING:**

- A. **JAMES SMITH**, Greensboro, North Carolina, is requesting that 14.02 acres located at 6788 Willard Road, Liberty Township, be rezoned from Residential Agricultural to Heavy Industrial/Conditional Use. Parcel ID # 8725675147. Rocky River Watershed. The proposed Conditional Use Zoning District would specifically allow the operation of a go-kart track and family fun park at existing track location. Property Owner: Douglas Westmoreland.

Smith was present and described the track and the existing facility. Smith explained that normal operating hours for a track of this nature is from 10 a.m. until 11 p.m. on Saturdays. Smith said that he has seen very few race run past midnight. Smith said that he would eventually employ 20 people and would begin with 10 employees. Smith said that he has an on-site manager, Jay Smith (his brother), that will reside on the property and oversee the security and maintenance of the grounds. Smith said that most of the employees would be family members. There will be a picnic area, playground, and walking track that will be open each day for the public. There will also be a paved go-karting recreation track that will be open Thursday through Sunday from 2 p.m. until 9 p.m. Smith explained that this tract was built in the mid 70's and incorporated in 1977 (this incorporation is still valid today). Smith discussed the history of this track and provided letters of recommendation from the Sheriff's Department. Smith provided additional information from Staley Fire Department, CP&L, letters of support from adjoining property owners, copy of insurance policy, 1977 revenue license, and petition from go-karters in support of this track. Smith added that the track is sanctioned by the World Karting Association (WKA). Smith said that over 450 people have stopped by this facility (they've been out there cleaning things up) and everyone has been excited about the possibility of this facility re-opening. Smith said that the only concern he has received has been from Mr. Wall, an adjoining property owner, about trash. Smith said that he has put up a new fence and his maintenance people will make sure that the track is cleaned daily and that Mr. Wall's property has no trash from the racing facility. Smith said that he has visited all the neighbors and they all seem in support of what he is trying to do. Smith said that he plans to plant trees and flowers along the front of the property.

**Brown** asked Smith about the amount of insurance he would be carrying - Smith answered that he would be carrying \$1 million.

**Marvin Wall**, 6911 Sandy Creek Church Road, commended the Smith Family on the job they've done in cleaning up the property. Wall expressed concern for his poultry and swine operation if 100's or 1000's of people come to this facility and have opposition to the smell and flies that his operation creates. Wall said that Smith has very little room to buffer his facility. Wall said that Riley's Asphalt Plant will be quiet compared to this operation. Wall said that his aunt told him that this operation stopped as far as a taxable operation in 1995 and the property was split among the children in 1998. Wall told the Board that the Northwest Middle School was not placed across from Merridale Farms due to it being a farming operation and the Randy Burgess Hog Farm was not permitted due to the residential development around that property. Wall said that he is already there and this would endanger his property.

A Board member asked Wall when he built his operation. Wall said that the 3 lower chicken houses were built in 1980, the 3 upper chicken houses were built in 1992 and the hog house was constructed in 1981.

**Smith** said that he could appreciate and understand the concerns of Mr. Wall but as far as the smell most of these Karters have been to this facility and understand that it is there. Smith said the County wouldn't have any complaints concerning this from his facility.

**Ridge** asked Smith how many people usually attend these events. **Smith** said that the most he has ever seen is around 350 people.

**Brown** asked Smith about the noise. **Smith** answered that he would be selling signs along his fencing that would help build a sound barrier and June 1<sup>st</sup> WKA will make mufflers mandatory on the motors and this will cut the noise in half.

**McDowell** asked how the noise effected his chicken operation in the past. **Wall** said that there were no great problems in the past.

**Brown** said that he wouldn't be in favor of this if it was a new facility but with the facility existing it would be the highest and best use of the property.

**Dorsett** said he didn't really see a conflict.

**Craven** said that he lives within a 1/4 mile of the Coleridge Go-Kart Track and said he very seldom hears noise from that operation.

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

- B. **DONALD LINEBERRY**, Climax, North Carolina, is requesting that 4.00 acres (out of 151.60 acres) located at 6981 Old Liberty Road, be rezoned from Residential Agricultural to Highway Commercial/Conditional Use. Parcel ID # 7796815212. Sandy Creek Watershed. The proposed Conditional Use Zoning District would specifically allow the expansion of a non-conforming use of a seed and landscaping business (with a recently constructed 25 x 220 storage building with a front setback of 20 ft.).

**Jon Megerian**, Attorney representing Lineberry, explained that the seed business has been in operation here since the 70's, and he also owns 100+ acres here that he farms. Megerian said that he built this building here on his farm to store his tractors and equipment that he uses for both the

farm and the business. Megerian said that he received a farm exemption form from the County because the building is on farm land but he didn't realize he needed to have Zoning or Building Permits (due to the fact that it is being used partially for a business). Megerian said that they have several people here in support and provided letters of support from those neighbors that couldn't be in attendance. Megerian said that these supplies and equipment have been here, he just wanted to put them under roof. Megerian presented pictures of the property and the surrounding area. **There were 28 people present in support of this request.** Megerian said that Lineberry would be willing to screen the building with buffers and landscaping.

**Howard Kearns**, 6948 Old Liberty Road, said that he has lived here for 44 years. Kearns said that he didn't realize that this meeting was going to be a popularity contest or he would have asked people to come with him. Kearns said that this operation has greatly disturbed his outside life - that he is a morning person and he can't go out on his deck because of this operation. Kearns said that when Lineberry acquired the property in 1972 the understanding was that it would be used residential agricultural. Kearns presented pictures to the Board. Kearns said that this is in the country and county to him is cows, chickens, etc. - not diesel smoke and air pollution. Kearns said that each day they start up 2 vehicles (in poor repair) for at least 15 minutes that create a large amount of smoke and odor. Kearns described the amount of run-off that the stored gravel creates on his property each day (Kearns had pictures of the erosion). Kearns said that he called Kory Basinger at the Winston-Salem Office of NCDNER about the run-off being created from them pressure washing the equipment at this site and this has now stopped. Kearns said that he was happy with the business when it was in Lineberry's backyard but now he has moved it to his (Kearns's) front yard. Kearns talked about the trash problems they now have and the effect this activity has on their property values. Kearns discussed the traffic problems they have created by parking along both sides of this curvy road. Kearns said that he counted the traffic one morning for 30 minutes and 45 cars and 2 buses came through here. Kearns said that due to the school (at its location) they have a lot of traffic through here. Kearns said that this was a serious problem for him and showed the Board a petition of those people in opposition to this request.

**Morton** asked Lineberry how far the school was from his shop - **Lineberry** answered about 4 miles and said that this section of Old Liberty Road is a 40 mile speed zone. **Morton** said that his company did the grading work for the school and they drove by this shop each day and he didn't see a problem with the business. Morton said this construction business is like any other, employees meet there in the morning. Morton said he didn't see any problems with this request and he felt the Planning Staff could work with Lineberry to determine appropriate buffers for the building.

**Dorsett** said that there was not a lot of traffic on this road when he was out there and if there is any problem the employee parking should be moved off the road behind the buildings. Dorsett added that he did feel there should be some type of buffering for the building.

**Craven** and **Morton** said they felt there is adequate space between the building and the road for appropriate buffers.

**Brown** made the motion to recommend to the Commissioners that this request be **approved** with the following conditions:

- \*\*employee parking area must be moved behind the business
- \*\*work out appropriate buffers with Planning Staff
- \*\*bring building up to code

**Craven** seconded this motion and the motion passed unanimously.

- C. **GENE AND CONNIE PITTMAN**, Thomasville, North Carolina, are requesting that 14.52 acres located at end of Harris Road, be rezoned from Residential Agricultural to Residential Restricted/Conditional Use. Parcel ID # 7703832802. Lake Reese Watershed. The proposed Conditional Use Zoning District would specifically allow the development of an additional 2 lots for site built homes, modular homes or Class A double-wide mobile homes on permanent foundation to an existing minor subdivision.

**Pittman** was present for the meeting and explained that there is 1 mobile home on the property that was placed there by someone that wanted to buy the property but there loan fail through. Pittman said that it is owned by Oakwood Mobile Homes. Pittman said that the property has been for sale for 1 ½ years and has not been sold. Pittman said that they felt if the property could be divided it could possibly bring the cost of the property into a lower range for prospective buyers.

**Amy McCormick**, 5211 Purina Drive, described her property with 2 homes on 1 ½ acres and was unable to place a 3<sup>rd</sup> home on the property due to the watershed. McCormick said that she was concerned about the destruction of trees that this may also cause. McCormick said that she was speaking for 3 additional homeowners in this area. McCormick also described the driveway on this property having terrible erosion because of the streams on the property.

**Oweena Blair**, representative for **Ralph Johnson**, adjoining property owner, said that she was there to express his opposition and presented a letter to the Board.

**Pittman** said that they have no plans to cut the timber of the property.

**Craven** said that this would be 7 acres with only 1 residence per tract. **Craven** made the motion, seconded by **Ridge** to recommend to the Commissioners that this request be **approved** with the condition that no additional residences would be allowed on the property. The motion passed unanimously.

- D. **KELLIE WILLIAMSON**, Asheboro, North Carolina, is requesting that 1.96 acres (out of 25.06 acres) located on Boone Farm Road, be rezoned from Residential Agricultural/ Conditional Use to Highway Commercial/Conditional Use. Parcel ID # 7664291143. The proposed Conditional Use Zoning District would specifically allow the operation of a contractor's storage yard and office. Property Owner: Edward and Edith Gruer.

**Brooks Bossong**, Attorney representing Williamson, explained that his client is a utilities contractor and his business is currently located on Hwy 134. Bossong said that he would like to move his business here and place an office, utility building (100' long), and some heavy equipment (low boy, dump truck, etc.) on the property. The workers come in around 7 a.m. and return in the evenings (there are 6 employees). There will be 2 employees that are at the property full-time (office person and a person servicing equipment). Bossong said that the facility would not be visible from Little River Road because of a buffer of trees that are on adjoining property owned by the Richardsons. Bossong presented pictures of the property and said the property would be completely fenced. Bossong discussed the close proximity to the inter-change (approximately 1200') and the commercial operations in the area (equipment sales, Carolina Bronze, Quik Chek/First Bank/Hardees facility, utility substation). Bossong said he didn't feel this operation would be out of character with the area.

**Steve Williamson**, 1645 Hwy 134, discussed his plans to have a catfish farm here in the future

on a portion of this property. **Johnson** asked Williamson about the large fuel tank being stored on the property. **Williamson** said that he plans to cut the ends off the tank and use it as a culvert. **Dorsett** asked Williamson if he planned to have any fuel storage on the property. **Williamson** said no that they had an account with the Quik Chek.

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

**Morton** questioned a concern that was brought up at the last meeting concerning an easement to use Boone Farm Road. **Williamson** said that they have obtained an easement.

**Dorsett** expressed concern that this would change this rural area. Dorsett said if it was just storing a limited amount of equipment it may be okay.

**Craven** expressed concern for the possible use of the remainder of the property in the future if this was approved for industrial use.

**Dorsett** made the motion, seconded by **Craven**, to recommend to the Commissioners to **deny** this request because it would change the rural character of the area. The motion passed unanimously.

5. **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?”

12 citizens took this Oath.

6. **SPECIAL USE PERMIT REQUESTS:**

- A. **CHARLES AND LISA GARNER**, Seagrove, North Carolina, are requesting a Special Use Permit to operate a heating and cooling business in existing 20 x 20 building at their residence (plans to construct a new 30 x 30 building for business in the future), 7529 Union Grove Church Road, 16.00 acres, Richland Township, Zoning District RA, Parcel ID # 7684752477.

Garner said that he has lived here for around 10 years. Garner said that this would be a one person operation and would create no additional traffic to the area. Garner said that business will continue to operate as it does now.

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

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

- B. **ROBERT AND JEAN BROWN**, Greensboro, North Carolina, are requesting a Special Use Permit to allow a Planned Unit Development of a total of 6 residences (4 new and 2 existing) to be located at the end of Cool Springs Church Road, 12.30 acres, Franklinville Township, Sandy Creek Watershed, Zoning District RA, Parcel ID # 7794797851.

**Ben Albright**, Attorney representing the Browns, explained that they purchased the property 21 years ago and placed a single wide mobile home and double wide mobile home on it. Their son lives in one home and their grandson and granddaughter lives in the other. Albright said that he told the Browns that it would be unlikely that the Board would approve 6 homes on this property.

Albright said that the surveyor told them they should request 6 but the really only wanted 4 homes. For this reason Albright said the Browns would like to alter their request to allow 2 new homes (they would both be site built) for a total of 4 residences (instead of 6 residences). Albright said that one home would be a site built residence to retire in and the other would be a site built home for their grandson (who currently lives with their granddaughter on the property). Albright said that when they purchased the property 21 years ago they were told that they would be allowed to have 1 residence per acre on the property. Albright said that there are currently 10 homes on this dirt road now. Albright said that the Browns would also place the condition on themselves that if the property was ever sold outside the family the road must be brought up to State standards (which includes pavement). Albright presented the Board with a petition of support with 10 signatures.

**Brown** explained that the 2 homes would be built in front of the existing mobile homes. When questioned about the road, Brown said that they didn't currently help the church maintain the road but they would if asked. Brown said that the big snow really messed up the road.

**Larry Brown** asked the Browns if they would be willing to maintain the road to state standards or at least to the level of that portion of the road up to the church. The Browns agreed.

**Judy Creed**, 2766 Cool Springs Church Road, said that they have lived here for 15+ years (Creed represented 3 of her neighbors - Bob & Molly Hobbs and Sarah Caviness). Creed said that no one had easements to use this road except CP&L and Cool Springs Church. Creed said that 5 families have moved in and use this road since they purchased their property. Creed said none of these people have a legal easement to use the road. Creed said that they have had to put speed pumps in the road and the still spin around and cause real road maintenance problems. Creed said the Browns wanted 6 homes on the property until they were told that it wouldn't be approved (by their attorney) and now they want their "dream home". Creed said that they pay property taxes on the property to the center of the road unlike those people who live on a State Road and don't pay taxes on their property to the center of the road.

**Bobby Lee Hobbs** said that he paid property taxes on this road and they the people using it come up and down the road 40 to 50 miles an hour kicking up dust and tearing up the road. Hobbs said that his mother-in-law is on oxygen and this amount of dust is rough on her. Hobbs said that they as property owners need some relief from people abusing their property. Hobbs said that they should be the ones to decide who has the right to use their property (since they own the road). Hobbs said that they are upset as property owners being abused everyday.

**Melissa Jones** said that he agreed with Hobbs but said that it isn't the Browns that are abusing the road. Jones said that she is a single parent and discussed the road problems and what she has done to try to fix these problems (what she could financially afford to do).

**Albright** explained that they intentions for the property have not changed they were just given incorrect information from their surveyor.

**There were 6 people present in opposition to this request.**

**Dorsett** said that the Board could put this on hold until they could come back with some type of road maintenance agreement.

**Ridge** said that he didn't think what they were wanting to do was a problem, the problem is the road.

**Brown** made the motion, seconded by **Craven**, with the following conditions:

- \*\*mobile homes may not be replaced if removed
- \*\*homes may never be rented
- \*\*property must not be subdivided - must remain as 1 tract
- \*\*if property sold to anyone other than immediate family the road must be brought up to State Standards (which includes pavement)
- \*\*existing road must be upgraded to equal that portion of the road maintained by the Church

The motion passed unanimously.

- C. **WILLIAM COBLE, III.**, Climax, North Carolina, is requesting a Special Use Permit to allow the expansion of an existing sales and service of generators business in a 7800 sq. ft. building to be constructed at his residence, 4145 Jess Hackett Road, 12.45 acres, Providence Township, Sandy Creek Watershed, Zoning District RA, Parcel ID # 7796213900.

**Jon Megerian**, Attorney representing Coble, described the existing operation that was approved by Special Use Permit some time ago. Megerian said that the additional building his is wanting to construct is at such a size that he needs to request an amendment of his existing Special Use Permit. Megerian said that he was not going to take up any unnecessary time of the Board and made just a few remarks:

- \*\*Coble runs a clean operation
- \*\*he will meet or exceed all requirements
- \*\*the amendment will not lower the property values of the area
- \*\*the request is in harmony with the area

**There were 9 people present in favor of this request.**

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

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

- D. **BOBBY AND REBECCA SAUNDERS**, are requesting a Special Use Permit to operate an automotive repair shop in an existing 25 x 36 building at their residence, 166 Rockett Road, 1.10 acres, Midway Forest Subdivision, Lot 304-309, Level Cross Township, Randleman Lake Watershed, Zoning District RA, Parcel ID # 7758964612.

**Saunders** was present and explained that he ran a shop at 414 Rockett Road and while back but decided to open this shop here a short while ago. Saunders said that his neighbor works here full-time and the shop is open 5 to 6 days a week from 6 a.m. to 7 p.m.

**Tommy Essick**, 339 Colonial Loop, was present. Essick is the neighbor that works at the shop.

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

**Dorsett** said that this area (community) has been a problem area for along time. Dorsett said there was once a junkyard, it is now gone and there was once a massage parlor, it is now gone. Dorsett said that it has been difficult to keep the Rockett Road area residential. Dorsett said that the Commissioners have appointed the Planning Board members to serve on this Board and also be sort of a “watchdog” within their respective community. Dorsett said that there are a lot of

vehicles on this property and it is a highly commercial activity/business not just a small shop. Dorsett said he didn't feel this activity would be in character with the neighborhood.

**Dorsett** made the motion to **deny** this request for a Special Use Permit on the grounds that the location and character of the use if developed according to the plan as submitted and approved will not be in harmony with the area in which it is to be located nor would it be in general conformity with the Land Development Plan for Randolph County. **Craven** seconded this motion and the motion passed unanimously.

7. The meeting adjourned at 9:38 p.m. There were 75 citizens present for this meeting.

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**NORTH CAROLINA  
RANDOLPH COUNTY**