

MINUTES

RANDOLPH COUNTY PLANNING BOARD

May 2, 2000

There was a meeting held at 6:30 p.m., on Tuesday, May 2, 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, absent; Larry Brown, present; and Mark Brower, Alternate, present (substituting for regular member Phil Ridge).
3. **Larry Brown** made the motion, seconded by **Al Morton**, to approve the Minutes of the April 4, 2000, Randolph County Planning Board Meeting. The motion passed unanimously.

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?"

1 person took this Oath.

5. **SPECIAL USE PERMIT REQUESTS:**

- A. **LARRY AND KATHRYN FLEMING**, Trinity, North Carolina, are requesting a Special Use Permit to operate a beauty shop in an existing 16' x 24' building located at their residence, 3916 Rollingwood Court, .53 acres, Trinity Township, White Est Subdivision, Lot # 26, Zoning District RR, Parcel ID # 7726200560.

Larry Fleming explained that to permit this beauty shop at their residence would allow his wife to be able to work at home and stay with their 3 children. Fleming said that this would be a low impact business with no additional employees. Fleming said that they would only place a sign on the shop and no additional signs would be placed on the property.

Morton asked Fleming how long the building had been on the property. Fleming answered that they only purchased the property a few years ago but he assumed that it was built when the house was in 1980.

Brown asked if he would need to do any additional improvements to the building. Fleming answered that the building is already wired and plumbed, so there will be only a few improvements necessary.

Fleming stated that they have received a petition that was signed by 80% of the residents within this development in favor of this request. Fleming said that it is on file in the Planning Department.

There was no one present in opposition to this request.

Brown made the motion, seconded by **Tommy Boyd**, to **approve** this request for a Special Use Permit with the following conditions:

- **no additional employees
- **sign on the building only (no additional signs)

The motion passed unanimously.

6. **REQUESTS FOR PROPERTY REZONING:**

- A. **RODNEY & BETSY MOODY**, Randleman, North Carolina, are requesting that 5.82 acres (out of 83.60 acres) located on the corner of Randolph Tabernacle Road and Country Place Road, Asheboro Township, be rezoned from Residential Agricultural to Residential Exclusive/Conditional Use. Parcel ID # 7762926048. The proposed Conditional Use Zoning District would specifically allow the development of a 6 lot subdivision for site built homes only. Property Owner: Gayla Boyle.

Moody described the surrounding properties:

- **north - residential restricted subdivision
- **west - mixed housing types
- **east & south - site built homes

Moody said that they would be restricting these site built homes to a 1200 sq. ft. minimum of heated space.

There was no one present in opposition to this request.

Brown made the motion, seconded by **Brower**, to recommend to the Commissioners that this request be **approved** as compatible to the area. The motion passed unanimously.

- B. **JIMMY WARD HARDWOODS, INC.**, Seagrove, North Carolina, is requesting that 32.87 acres located at 485 Burney Road, Richland Township, be rezoned from Residential Agricultural & Light Industrial to Light Industrial/Conditional Use. Parcel ID # 7665460542. The proposed Conditional Use Zoning District would specifically allow the expansion of existing lumber yard.

Wilson Alexander, attorney representing Jimmy Ward Hardwoods, Inc., said that his client doesn't have any plans of expanding his operation in the future. Alexander said that his client didn't realize that his property had two separate zoning districts until he came to the County for permits to set-up a mobile office. Since this time they have decided to move the proposed location of the office into the appropriately zoned area, therefore they don't need this zoning change in-order to continue their operations. Alexander said that his client would still like all of his property to be zoned the same to reflect the industrial use of the property. Alexander said that they would like the ability to use Borrough Avenue for personal vehicles but they wouldn't have any problems with the Board restricting this proposed drive against commercial vehicles (such as

large trucks, equipment, etc.). Alexander said they were also willing to maintain any buffers (within reason) the Board would impose along Burney Road and Borrough Avenue.

Morton said that he felt the Board shouldn't restrict the applicant against using Borrough Avenue because it would take some the traffic off of Burney Road which is a very narrow road.

Elizabeth Hayes Cox, 530 Burney Road, said that they have lived here since 1979 and the daughter also has a home here on Burney Road. Cox said that she speaks for the community. Cox said that Tom Morris graciously allowed the neighbors to tour his facility and at this time they (the neighbors) voiced the following concerns:

**a single industrial operation within a residential community of 18 site built homes and 4 mobile homes.

**the company has expanded and now operates 6 days a week and up to 24 hours

**the added noise that this expanded use and operation has caused for the community

**the additional traffic caused on the road

**the additional truck noise (from jake-brakes)

**high dust levels on the graveled areas of the property

Cox said that Morris did pave the drive leading into the business, after complaints from neighbors with health problems, which helped considerably with the dust problems. Cox said that they would request that the Board impose a 300' buffer of trees along Burney Road and also along the west property line.

There were 22 citizens present in opposition to the request.

Cox said that their concern is although there are no immediate plans for expansion this would allow the expansion in the future.

Daniel Stickler, 458 Burney Road, said that they placed a mobile home on his wife's parent's property in 1990 and in May 1995 they purchased property on Burney Road and built their home. Stickler said that they have tried to adjust to the increasing noise of the operation and the increased heavy truck travel. Stickler said that their major concerns were the increased heavy truck traffic, the noise levels, loss of property value, and the further deterioration of the highway. Strickler said that they would like their community to remain as it is.

Ron Green, 396 Burney Road, said that he has lived here since 1974 before Jimmy Ward Hardwoods. Green said that the noise from the jake-brakes on the trucks rattle their doors and windows in their homes. Green said that there is always debris (wood chips, etc.) on the road from the business traffic on Burney Road.

Jeff Cox asked if the land was rezoned and then sold could the new owners continue the business - **Johnson** said yes, that any conditions would carry with the land (not the owner). **Cox** then said he felt this would be a detriment to the community and the property owner said that they didn't need the zoning to continue their operations.

Paul Jones, Burney Road (across from the drive of Jimmy Ward Hardwoods), said that the noise is such a problem that they can't even open their windows. Jones said that the business also creates a lot of dust. Jones said that he felt the business is big enough as it is with out getting any expansion.

Elizabeth Cox said that in the recent past Morris has begun to use a portion of that property that is zoned RA for his business and asked if this wasn't a violation of zoning laws. **Johnson** said that the business should be maintained within the appropriately zoned area. A neighbor of the business said that he felt the business was no longer an LI type business and now was more like HI zoning and asked Johnson to give examples of businesses within Asheboro that would be considered LI property and HI property. Johnson answered that Klausner would be considered HI and warehousing storage would be considered LI.

Dorsett said that if he has changed his operation, he may be in violation of County Zoning laws. Dorsett said that the neighbors of this community do deserve some type of buffers and at present the only way to have a buffer is to maintain the property as it is now. Dorsett added that if it is rezoned it should require a wide buffer.

Morton said that he thought the County would have to rezone the property because his access to the business is in a RA zoning district. Dorsett said no that the County would not have to rezone the property it, the access would be grandfathered as a non-conforming use.

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

**100 ft. buffer along Burney Road, Borrough Avenue, and his private drive into the operation (this would include any proposed access) where possible and where it is not the appropriate buffers should be worked out with the Planning Staff

**Any access to Borrough Avenue should be restricted to allow only personal vehicles

Dorsett asked to include no expansion of the business including the storage of lumber, logs, and trucks into these new areas.

Morton said he wouldn't be willing to consider this to be included. Morton said that the buffers would prevent any real expansion.

Craven said he felt to include these substantial buffers would be useless to rezone the property.

Boyd seconded the motion.

Dorsett said he felt better about allowing the property to be rezoned with the buffers that have been outlined.

The motion was **approved** by a 5 to 2 vote - **Brower & Craven** voted against the motion.

- C. **RALPH NEWSOME**, Ramseur, North Carolina, is requesting that 172.00 acres located on the corner of Old Staley Road and Langley Road, Columbia Township, be rezoned from Residential Agricultural to Residential Restricted/Conditional Use. Parcel ID #'s 8734017445 and 8733093533. The proposed Conditional Use Zoning District would specifically allow the development of a 103 lot subdivision for site built homes, modular homes and Class A double-wides on permanent foundation with a minimum house size of 1,200 sq. ft.

Larry Brown withdrew from participation in this request due to a conflict.

Jon Megerian, attorney representing Newsome, said that the only conditions they were considering at this time was to the site plan as submitted and minimum home size of 1200 sq.

ft. Megerian said that at this time they would not consider additional conditions and they were aware that additional conditions could be considered before the Commissioners' made a final decision. Megerian said that the 103 lots that are being proposed are considered low density as described by the Ordinance. Megerian said that if we didn't feel these lot sizes were low density maybe the Ordinance needed to be amended. Megerian said that this site is less than a mile from the incorporated town limits of Staley and the plan is in accordance with the surrounding community. Most the lots are double the required lot size of the zoning district. Megerian presented pictures of the surrounding area and the site itself. Megerian described the area as having numerous single family residences and said that this would be a continuation of that type of development. Megerian said that this plan would be in harmony with the community and the County Ordinance. Megerian said that they would ask that anyone opposed to this request state their specific opposition. Megerian said that the number of wells is not a zoning issue, they would be permitted by the County Health Department and the property is not in a watershed. Megerian added that residences are not the primary use of water in this community and described the farming operations that are the primary use of water in this area.

Doug Coble, 1370 Langley Road, said that there is not this many homes in the town limits of Staley. Coble said that this just "blows" his mind. Coble expressed his concerns with the effect this would have on the school system, creeks in the area, and the traffic problems this may cause on these country roads. Coble said that there are mostly stick built homes in the area and there may be 10 double-wide homes. Coble said that there are 29 chicken houses within 1 ½ miles of this site and 6 people that are planning new chicken houses. Coble said that this is just way too many people for this area.

Larry Atkins, 7086 Old Staley Road, said that he didn't see how this land would support this many septic tanks. Atkins said he felt they would pollute the creeks on the property. Atkins said that Staley is not really a town and you just don't propose this many homes this far out in the country.

Robert Kidd, 1444 Langley Road, said that he does welding (on his farming equipment) in a building along the property line of this site sometimes late at night. Kidd said that he had asked to purchase a strip of land off this site to buffer himself from this development but Newsome has never gotten back with him on the proposal. Kidd said he didn't feel they should put this many homes here and said that Newsome had told him originally that he was going to have a sheep farm here. Kidd said that many 50 or 75 homes here but not 103.

Penny Sillman, 762 Old Staley Road, said that the lot sizes are her main concern and she is also concern of what type of restrictive covenants would be put in place. Sillman said that she would like to see the developer be more specific of his plans.

Harriet Cox, Old Staley Road (adjoining property owner) said that they have lived here for 42 years. Cox said that there is not infrastructure in their little Town of Staley and this would have a negative impact on the area. Cox said that they have no additional law enforcement for their area other than the County Sheriff's Department and at times it has taken as much as 45 minutes for them to respond this far out in the country. Cox expressed concern for the school system, garbage disposal, and this density of septic tanks and wells. Cox said she worries about the quality of the ground water. Cox said she also was concerned about the clearing of trees and how much of the woodlands that are being destroyed in the County. Cox asked the Board to please consider large tracts for each home.

Doug Coble presented a petition to the Board with 185 signatures of people in the community in opposition to the request.

Linda Kimrey, 7411 Old Staley Road, said that they have lived here for 18 years. Kimrey expressed her concerns of the traffic that would be created on these little country roads. Kimrey discussed the lack of adequate fire and police services to protect this many additional homes in this area. Kimrey said that she is a teacher at Liberty School and said that this would be too many children added to that system. Kimrey said that this is just too much for this farming community.

Ava Atkins, 706 Old Staley Road, said that she has lived here all her life and she is now 51 years old. Atkins said that they don't need this many additional homes here. Atkins said that she is not against progress but there should be limits.

Mark Canoy, 2382 Shady Grove Church Road, said that this would be a high impact to this area and it's just too much. Canoy discussed concerns for the schools, roads, and branches on the property.

There were 26 citizens present in opposition to this request.

Brower said that this community has a pretty country setting and this is a very dense proposal compared to the existing community.

Craven said that this is definitely not compatible to the community.

Dorsett said that he wanted to the Commissioners to know that they felt this was just too dense for this area.

Morton said that he would like to see at least 5 acre tracts, that 1.7 acre lot sizes are too dense for this area.

Craven said that if double-wide mobile homes move in first the entire development will be double-wide mobile homes.

Dorsett said that if this development proceeds with double-wides it will set this precedence for this community.

Craven made the motion, seconded by **Dorsett**, to recommend to the Commissioners that this request be **denied**. The motion passed unanimously.

- D. **WILLIAM CLEMMONS**, Zionsville, Indiana, is requesting that 20.06 acres located at the end of Farmhouse Road, Liberty Township, be rezoned from Residential Restricted/Conditional Use to Residential Exclusive/Conditional Use. Parcel ID # 8737395830. The proposed Conditional Use Zoning District would specifically allow the re-subdivision of Lot # 12 of Walnut Ridge Subdivision into three (3) lots for site built homes only. Property Owner: Paul Staley.

Debra Jones, agent with D.C. Realty, said that this property is accessed by a private road and they are proposing to divide the property into 3 tracts. Jones said that each tract would have a 30 ft. easement to the private road and the tracts would be developed by Clemmons and his two children. Each of the Clemmons will be building a 2000+ sq. ft. site built home and they plan to leave all the hardwoods except where the home sites must be cleared.

There was no one present in opposition to this request.

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

- E. **HAROLD WILKES**, Archdale, North Carolina, is requesting that 9.38 acres located on Jordan Valley Road, Tabernacle Township, be rezoned from Residential Agricultural to Residential Exclusive/Conditional Use. Parcel ID # 7714522534. The proposed Conditional Use Zoning District would specifically allow the development of a 7 lot subdivision for site built homes only.

Jerry King, surveyor, said that the average lot size will be 1.4 acres and they have done some preliminary soil testing. King said that the lot sizes and the site built homes with a minimum of 1200 sq. ft. of heated space would be compatible to the community. King provided the Board with the proposed restrictive covenants.

There was no one present in opposition to this request.

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

- F. **ALLEN & JUANITA BULLARD**, Randleman, North Carolina, are requesting that 25.51 acres located on New Salem Road, Providence Township, be rezoned from Residential Agricultural to Residential Agricultural/Conditional Use. Parcel ID # 7776971016. Polecat Creek Watershed. The proposed Conditional Use Zoning District would specifically allow a planned unit development of 4 residences (property owner, farm worker, elderly parent and care giver for elderly parent).

Bullard was present and explained that this is all parts of the Cox Farm and they would like to place a mobile home on the property to allow some of their elderly family members to live here and help take care of his elderly father-in-law. Bullard said that he would also like to place a mobile home in behind his residence to allow for a care taker to help with his horse farm.

There was no one present in opposition to this request.

Brower made the motion, seconded by **Craven**, to recommend to the Commissioners that this request be **approved**. The motion passed unanimously.

- G. **JOSEPH THOMAS**, Denton, North Carolina, is requesting that 10.20 acres (out of 28.78 acres) located on Brantley Gordon Road, Concord Township, be rezoned from Residential Agricultural to Residential Exclusive/Conditional Use. Parcel ID # 6698786625. The proposed Conditional Use Zoning District would specifically allow the development of a 9 lot subdivision for site built or modular homes.

Thomas was not present for this meeting.

Johnson said that the Planning Department has not received any calls of opposition to this request and this would be for site built homes only.

There was no one present in opposition to this request.

Dorsett made the motion, seconded by **Craven**, to recommend this request be **approve** as consistent with the area. The motion passed unanimously.

7. The meeting adjourned at 8:50 p.m. There were 60 citizens present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**

Planning Director

Date

Clerk/Secretary