

MINUTES

RANDOLPH COUNTY PLANNING BOARD

October 3, 2000

There was a meeting held on Tuesday, October 3, 2000, at 6:30 p.m., 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 the Randolph County Planning Board Meeting to Order 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, absent.
3. **Bill Dorsett** made the motion, seconded by **Lynden Craven**, to approve the Minutes of the September 7, 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?"

2 people took this Oath.

5. **SPECIAL USE PERMIT REQUEST:**

- A. **MARK RICH**, Randleman, North Carolina, is requesting a Special Use Permit to allow a 50 x 50 open shelter for storage and parking of tree cutting equipment and to allow the operation of a tree cutting business located at their residence, 6725 Hockett Trail, 4.09 acres, Level Cross Township, Randleman Lake Watershed, Zoning District RA, Parcel ID# 7758506607.

Rich was present and explained his intentions to place all of his equipment from his tree cutting business under shelter. Rich explained that he has operated this business here for a few years. Rich said there will be no real expansion of his tree cutting business in the near future.

Dorsett questioned the use of the lumber and asked if he plans to operate a sawmill here. Rich explained that it is a portable sawmill and would be moved to the job sites and the lumber is for his personal use. Dorsett asked if he could move the mulch and explained that he would only be able to operate exactly what he has requested here and would not be able to operate the sawmill at this location. Rich explained that he is in the tree business and at this time wouldn't have the time to operate a full-time sawmill at this location.

Wes Sumner, 6768 Hockett Trail, said that he had questions and was not necessarily in opposition. Sumner said that his concern is about the sawmill being operated on this property. Sumner said he had no problem with the request of building the building but would be concerned if a sawmill was to be operated at this site. Dorsett asked if he felt the mulch was an eyesore and Sumner said that it didn't bother him at this location.

Glenn Stewart, 6777 Hockett Trail, said that he didn't have any problem with the mulch but he would be concerned about the road. Stewart said that they keep the road up and if logs were brought in these trucks may damage the road. Stewart said that several of them (neighbors) had big trucks but this would require additional large trucks to use the road (if a sawmill was here). Stewart said he didn't want a sawmill operated here or wood brought in. Stewart said he would be concerned with how a sawmill would effect his property value.

Dorsett reminded the Board that a Special Use Permit was issued to another property owner on this road to operate a landscaping business. Dorsett said he did feel that there should be a stipulation that he could use the sawmill to cut what he has on the property now but he could not continue to use the mill here or continue to bring logs in.

Brown made the motion to **approve** this request with the condition that the sawmill on the property could not be used for anything but his own use and no hauling in of additional lumber (no commercial sales). **Craven** seconded this motion. The motion passed unanimously.

6. **REQUESTS FOR PROPERTY REZONING:**

- A. **ROBERT & WILLIAM SHAW**, Asheboro, North Carolina, is requesting that 9.54 acres located 4960 New Hope Church Road, Union Township, be rezoned from Residential Restricted/Residential Agricultural to Residential Agricultural/Conditional Use. Parcel ID # 7656204097 & 7656206204. The proposed Conditional Use Zoning would specifically allow 2 single-wide mobile homes on individual lots.

The Shaw's were present and explained that they inherited the property from their mother. Robert Shaw said that there is an existing single-wide on his property and now he wants to replace the home and because of the zoning he can't replace this with another single-wide. Robert Shaw said they have talked with the neighbors and they don't have any problem with this request. The existing home would be moved to William Shaw's property.

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.

- B. **ALTON HARRIS**, Burlington, North Carolina, is requesting that 26.10 acres located on Old Siler City Road, Coleridge Township, be rezoned from Residential Agricultural to Highway Commercial/Conditional Use. Parcel ID# 8721518019. The proposed Conditional Use Zoning District would specifically allow the operation of an outdoor amusement park.

Harris was present and said that he purchased this in the mid-80's and said that he had memberships of 1500-1800. Harris said that he had live bands there and closed the park because of the water continuing to rise from the rock quarry reservoir. Harris said before he owned the property there were a lot of deaths but there had only been one drowning since he has owned this property. Harris said that he has never had to call the police to the property. Harris said that he plans to expand the type of concerts and can park 10,000-15,000 cars. Harris said that he operated this park from 1982-89 and because the water kept rising and he didn't have the equipment to handle the water. Harris said that he felt this would be good for the community mechants. **Johnson** asked how many came here and **Harris** said between 8,000-10,000 people a year. **Craven** asked what type of memberships and **Harris** said they are \$5 per season and they are more for controlling who is at the facility. Harris said that he knows that the community is

aware of the trouble that happened here before he owned it. Harris said that he has spent about \$15,000 here for a retaining wall and pumping system. Harris said that he doesn't allow liquor and would only allow a six-pack of beer per member. Harris said that the tenting area would allow people to sleep over after the concerns instead of trying to drive home. Harris said that he plans for security in the future. Harris said that he doesn't allow anyone under 16 years of age without a parent or guardian. Harris said that he has lifeguards for the swimmers, that they are not certified but he puts them through a training program to make sure they have the ability they need. **Morton** asked about bathhouses and **Harris** said he uses porta-johns now and plans for bathhouses in the future.

Linda Brooks, 7194 Old Siler City Road, said that their property borders this site and they have lived here for 31 years. Brooks said that the last few years have been quiet and have had no problems. Brooks said thanks to Harris for keeping this property under lock and key. Brooks said that in the 80's this was an undesirable area to live because of the individuals that attended this facility. Brooks related the following instances as examples of the type behavior created by the facility:

**Her father was working in the garden one day and a car stopped after leaving the quarry and a young lady jumped out nude in front of him and began walking down the road.

**Her family has seen several young men urinating on the road side.

**One day they found a young lady walking in circles in their yard in a bathing suit and she didn't know where she was nor how she got there but she did know she had been at the quarry.

**One afternoon Brooks was home alone and a young man come to her door asking to use her phone (it appeared to her he was under the influence of drugs or alcohol) and tried to force himself into her home. After she pulled a gun he left her property.

**One mother's day a young man jumped into the quarry and drowned. It took several days before divers found recovered the body. Brooks described the sad mother that stood at that quarry and grieved during that time.

**Brooks said they could hear cursive language being used from the quarry when it was operating and with the doors shut and air-conditioning running they could still hear the music from this quarry.

Brooks said they (her and her family) felt this was personal and sexual harassment and the community shouldn't have to endure this type of harassment and a public nuisance.

Linda Moser, 2280 Parks Crossroads Church Road, and her family owns 8 residences in this area. Moser said that they walk along this road daily and ride bikes frequently. Moser discussed traffic and DWI problems they experienced in the past when this was been operated. Moser said that they could hear the noise and music at their residence. Moser said she knew that this must be unbearable to the closer neighbors. Moser said that Harris is not a resident of Randolph County and she felt the neighbors should be protected.

James Turner, 1995 Parks Crossroads Church Road, and has been Church Pastor for 35 years. Turner said that it was common for Highway Patrol Officers to be here on Sundays and there were times when drug and alcohol users were arrested in the church parking lot. Turner said that this was intimidating to the older church members. Turner said that his concern is for the church members and he asked that the Board turn this request down.

85 citizens present in opposition to this request.

Ben Albright, 3157 Old Coleridge Road, discussed the problems he remembered since Harris has owned the property. Albright said that he now has children of driving age now and he wants them protected. Albright said that he runs a lot in the area and the neighbors are aware of this and explained that this is dangerous without all of this traffic. Albright said that he felt the Board should protect the area from dangers. Albright said that Harris says law enforcement had not been called to the quarry since he has owned it but recognized that they would have been called at the time of the drowning. Albright added that law enforcement officers were called every week by people in the community and that he felt this was not in the best interest of the area. Albright discussed the jagged rocks and dangers of the quarry swimming area. Albright said that he didn't feel this would be in character with the area that is a rural farming community. Albright said that he would ask the Board to unanimously turn this request down.

McDowell said that he felt that the Board has fully heard and understood the concerns of the community and asked if there was anyone with anything different to add.

Scott Floyd, 3173 Old Siler City Road, said that he adjoins at the parking area. Floyd said that his wife is a house wife and he wanted to be sure that she and his son was safe and he didn't feel she would be if this was approved.

Craven said that he had forgotten the quarry until this came up and he knows exactly what these people are talking about. Craven said he remembers these horror stories from the past. Craven said that this request is out of character to this community. **Craven** made the motion to recommend to the Commissioners that this request be **denied**. The motion was seconded by **Morton** and the motion passed unanimously.

3. **GARNETT ANDERSON**, Asheboro, North Carolina, is requesting that .77 acres located at 3852 US Hwy 64 East, Franklinville Township, be rezoned from Residential Restricted to Highway Commercial/Conditional Use. Parcel ID # 7781298225. The proposed Conditional Use Zoning would specifically allow the operation of a gift and novelty retail shop from existing 18 x 40 and 20 x 45 buildings. Property Owner: Schwarz Properties, LLC

Mr. Anderson has passed away and **Thurman Housand** was present representing the family. Housand said that the family wants to continue to operate the business. Johnson said that they were operating a business here without it being zoned and asked Housand how many employees were here - Housand answered 1. Dorsett asked how long the business has operated - Housand answered since November. **Morton** asked what he does at this location - Housand said it is a gift and flower shop. Dorsett asked what the buildings were used for first - Housand said that they were used for a similar business. Housand said that Anderson was asking for this to get the proper permits. **Craven** asked who would operate the business if it was approved - Housand said Curtis Anderson. Housand said he would operate 5 to 7 days a week. Brown asked if a flea market would be a better representation of the type of business being operated - Housand said yes.

Debra Duncan, Hwy 705, said that this would be a one man operation. Duncan said that her brother would be the operator. Duncan said that he would sale flags, floral arrangements, niknaks, etc. Dorsett asked if the business is already open - and she answered that he is straightening the place up and is not operating officially now. **Phil Ridge** asked if it was originally a pottery shop and Duncan answered that they had some pottery.

Dorsett said that this is a residential area but it is also Hwy 64 and this would be a more appropriate type of commercial business than most.

Boyd asked if there were any calls from this community - Johnson answered no.

Dorsett asked if someone could still use the home for a residence if approved -

Johnson answered no. **Morton** said that he felt this zoning should be restricted to only the 2 buildings. **Brown** said that this would be changing a request of an owner that is not present. **Craven** said he didn't feel comfortable without the owner being present. **Brown** made the motion, seconded by **Craven**, to delay any action on this request until they could receive input from the owner. The motion passed unanimously.

4. **W.R. & NANCY LANIER, JR.**, Asheboro, North Carolina, are requesting that 25.21 acres located on Old NC Hwy 49, Cedar Grove Township, be rezoned from Residential Agricultural to Residential Exclusive/Conditional Use. Parcel ID # 7720715887. The proposed Conditional Use Zoning would specifically allow the development of a 23 lot subdivision for site built homes only.

Lanier was present and explained his intention to develop this subdivision for site built homes only. Lanier said that this would be all brick homes not less than 1500 sq. ft. Lanier said that he has provided a copy of his proposed restrictions. Lanier said that this adjoins his residence. **Johnson** asked if he plans to expand this development in the future - **Lanier** said not right now. **Johnson** asked how long he has owned this property - **Lanier** said since the 60's. Lanier said he purchased this property to protect his home.

McDowell said that we recently approved a development similar to this in this area.

There was no one present in opposition to this request.

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

- E. **ROGER & CHRISTINA BROWN**, Ramseur, North Carolina, are requesting that 1.00 acre (out of 14.45 acres) located at 1132 Pleasant Ridge Church Road, Columbia Township, be rezoned from Residential Agricultural to Highway Commercial/ Conditional Use. Parcel ID # 8701147489. The proposed Conditional Use Zoning District would specifically allow the operation of a car dealership with a maximum of 10 vehicles and automotive repair shop from an existing 34 x 84 building.

Johnson explained that the Board heard this request for a Special Use Permit a few months ago and denied it. **Johnson** said Brown is requesting that this be rezoned at this time so that the final decision can be made by the Board of County Commissioners.

Brown was present and presenting the advertising papers where the land came up for auction. Brown said the day of the sale he was out bid by Ken McDowell. Brown said that the neighbors didn't have any problem with his plans for the property at that time. Brown said that he thought at that time that it was commercial. Brown said that he wanted to upset the bid and he realized that J. Marvin Brown upset the bid. Brown said that he found out that he is kin to the adjoining property owners. Brown said he did upset the bid and now the Brown's are opposed to him. Brown presented pictures of this property and his current station. Brown presented pictures of businesses in the area and said that he is not trying to take away from the community. Brown presented a petition of people from this road that is not opposed to this

business. Brown presented a letter from the Town Council of Ramseur (due to the fact that this will be Ramseur's ETJ area when adopted) and they are not opposed to this request. Brown said that he plans to do some repairs but no major motor work (only front-end work, brake jobs, and muffler work). Brown said that he wants to help the community and not hurt it. **Johnson** asked **Brown** about the letter from Ramseur and said that in fairness to Ramseur they didn't have any neighbors address them in opposition to this request. **Johnson** asked what factors have changed since the original request that was denied for Special Use Permit by the Board - **Brown** said that he plans to install a privacy fence (along Kenny and Laura Brown's property) and there will be no major auto repair work. Brown explained to the Board that he operated a business here in 1987-89. Brown said that all the cars (that he is working on) will be kept behind the building and the privacy fence. Brown said that he will keep the undergrowth that are here will be maintained. Brown said that he would only operate between 9 am - 5 pm. **Larry Brown** asked who signed this petition - **Roger Brown** said that the front two pages are people from this road and the others are from his customers at the station located in Ramseur.

Kenny Brown, Pleasant Ridge Church Road, said that he was not going to go take up the Board's time tonight going through the things they have already told this Board at the last meeting. Brown said that his biggest concern is that his home is 120 ft from this building. Brown said that he didn't want to hurt Roger Brown but he is concerned of the closeness of this building. Brown asked the Board if this was rezoned would this open the area for more zoning changes - **Johnson** answered that every request is looked at on a case by case bases. **Brown** asked how the County controls the number of cars located on the property - **Johnson** said that a Conditional Use would restrict the property and enforced by the County. **Brown** asked if what Roger has explained to this Board if it would be added to the permit - **Johnson** answered yes. **Brown** said that he doesn't want this shop to be approved because it is so close to his residence.

Brown asked if a condition could be placed on the property that if the property was sold the zoning would revert back to RA zoning - **Johnson** said no it would apply to any owner of the property and recommended Brown himself could do this through private deed restrictions.

Mary Drake, 1406 Pleasant Ridge Road, expressed her concern of the amount of traffic this would add to the area.

Laura Brown, 1184 Pleasant Ridge Church Road, asked the Board for where the fence would be. Roger Brown said that the fence would be along the property line and the fence would continue along behind the building.

Christina Brown, Roger's wife, said that they have chosen to put their home further from the business so that if anyone came to them after hours it would not bothering the neighboring Brown's.

There were 7 people present in opposition to the request.

Dorsett asked if the garage and the car sales would have the same hours. Brown answered yes. That he wouldn't be open on the weekends or at night.

Craven asked about the entrance to the business and Brown said that he would be putting a gate up along the driveway to the business.

Morton said that this is kind of a tough request and it could appear to be "spot zoning". **Craven** agreed but said that there have been businesses in this area.

Morton said that Brown is a good fellow but asked how could this Board recommend that this be approved when we have already denied it for a Special Use Permit. **Johnson** said that this is why he asked Brown how his current request was different from the one previously considered by this Board. **Johnson** said that Brown answered that he felt it was less intense and would be placing more restrictions on himself.

Dorsett said he would be more comfortable if this was just a car sales and not a garage. **Dorsett** said that he agreed with **Morton**. **Johnson** said that the other problem is that if the Town of Ramseur extends their zoning the County's zoning will cease. **Johnson** said that there is a process that Ramseur will have to follow and ultimately the Board of County Commissioners will decide if County Zoning is released to Ramseur. **Johnson** also reminded the Board that the Town had not heard both sides of the request but he did feel they were only trying to be helpful.

Craven said that he felt this was different with the conditions that Brown is placing on himself with only front-end, muffler, and brake jobs. **Craven** said that he felt that the number of cars for sale should be limited from 4-6 cars.

****Maxton McDowell left the meeting.**

Boyd asked how many years ago was the building used for business - **Kenny Brown** answered over 3 years ago.

Craven asked Brown if he could live with 6 cars instead of 10 and **Brown** answered that it would be hard.

Dorsett said that he felt the record should show how difficult this decision was for them.

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

- **9-5 Monday-Thursday - 9-12 Fridays
- **Privacy fence as described by Brown
- **muffler, front-end work, and brake work
- **10 vehicle maximum

Brown seconded the motion. The motion was **died** by a vote of 1 to 4.

Morton made the motion to **deny** the request due to the appearance of "spot zoning" and the use would be out of character with the community. **Boyd** seconded this motion and the motion passed by a 5 to 1 vote.

7. The meeting adjourned at 8:53 p.m. There were 120 people present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**

Planning Director

Date

Clerk/Secretary