

MINUTES
RANDOLPH COUNTY PLANNING BOARD
April 3, 2001

There was a meeting held at 6:30 p.m., on Tuesday, April 3, 2001, 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; Al Morton, present; Phil Ridge, present; Larry Brown, absent; and Mark Brower, present.
3. **Craven** made the motion, seconded by **Morton**, to approve the Minutes of the March 6, 2001, 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 REQUEST:**

- A. **DENNIS MILLIKAN**, Denton, North Carolina, is requesting a Special Use Permit to allow a 12 x 24 building (to be constructed on site) for vending machine and product storage to be located at his residence at 6173 New Hope Road, 11.48 acres, New Hope Township, Zoning District RA, Parcel ID # 6696879401.

Millikan was present and explained his intention to have this side business and said that he has another full-time job. Millikan said that he has been operating this business out of his residence and to expand he would need to move into this new building.

There was no one present in opposition to this request.

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

6. **REQUESTS FOR PROPERTY REZONING:**

- A. **WILLIAM HUNT, JR.**, Seagrove, North Carolina, is requesting that 36.07 acres (out of 51.00 acres) located on W.E. Hunt Road, Richland Township, be rezoned from Residential Agricultural to Residential Mixed/Conditional Use. Parcel ID # 7664581188. The proposed Conditional Use Zoning District would specifically allow an expansion of 18 lots to Maple Spring Mobile Home Park for a total of 25 rental lots.

Hunt was present and said that he has had several people approach him about purchasing land but he wanted to keep it under his control. Hunt said that he plans to pave the entire road this summer including the new portion of the road. Hunt said he would only put one or two trailers in at a time and this would take a few years to develop. Hunt discussed the restrictions he has on his current tenants and said that his son will be moving to the park and he would manage the park. Hunt said that he would eventually turn the park over to his son. Hunt said that he plans to drain his pond this summer and fill it in for safety and develop a playground. Hunt said he has had a private soil scientist on the property to let him know where the lots would perk and he has talked with the Health Department about the wells. Hunt said that he plans to meet with the Mayor of Seagrove about the possibility of getting County Water. Hunt said that the 3 spaces on the front of the property would be double-wide mobile homes. **Johnson** expressed concern that these spaces would change the character of the area. **Hunt** said that he plans to build carports with these homes and they would be nice. **Johnson** asked about the new entrance of the park would be coming out right in front of the church. **Hunt** said yes and this would be against his property line.

Jeff Auman, 5996 Auman Farm Road, said that he is representing several neighbors in the community. Auman said that they have been here before opposing another proposed mobile home park. Auman said that this is a rural community and is a farming community. Auman said that they are opposed to rental trailers and rental trailer parks, not single family owned homes. Auman said that they have had trailers in the community but they are on large lots and under home ownership. Auman said that trailer parks have a lot of crime and in there area they have had only 2 911 calls in the last year for health related reasons. Auman discussed the crime related calls in a mobile home park in Ramseur that are approximately 20 crime related calls. Auman said that they didn't want this in their community. Auman said this would not fit in the community at all. It would create a lot more traffic in the area and would be high density in their low density community. **There were 8 people with Auman in opposition to this request.**

Rex Lilly, Maple Springs Road, said that they live just down the road and discussed a wildlife program that they are involved with. Lilly said that the park is not well maintained and talked about how poor the road is kept.

Brower asked if there was anything requiring him to pave the road and **Johnson** answered no.

Dorsett said that he felt this would be quite a change and to add this many more may cause problems that they haven't had in the past.

Morton said that he felt this is something that probably shouldn't be permitted in a rural area. **Morton** made a motion, seconded by **Craven**, to recommend to the Commissioners that this be **denied** due to density. The motion passed unanimously.

- B. **SDT DEVELOPMENT, LLC.**, Archdale, North Carolina, is requesting that 31.97 acres located on end of Post Road, Tabernacle Township, Lake Reese Watershed, be rezoned from Residential Agricultural to Residential Exclusive/Conditional Use. Parcel ID # 6795710838. The proposed Conditional Use Zoning District would specifically allow the development of a 27 lot subdivision for site built homes only with a minimum home size 1,200 sq. ft.

Terry Nall, Manager of SDT Development, said that they have now raised the minimum house size to 1250 sq. ft. and this may be raised even more. Nall said that this would be 27 lots and he plans to build the entire development himself. Nall said that he has had perking and that all the land looks pretty good. Nall said that all the houses would be site built and provided the Board with a copy of the proposed restrictions. Nall said that the driveways would be paved.

Diane Lamb, 6031 Post Road, said that this is a very rural area and asked if there had been an environmental impact study. Lamb expressed concern for the wildlife and the trees that would be effected.

Dorsett said that he didn't see anything that gives them a reason not to approve this and it would be nice to have an impact study but it is not required.

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

- C. **BOBBY EARNHARDT**, Asheboro, North Carolina, is requesting that 27.04 acres (out of 107.40 acres) located on Hoover Hill Road, Tabernacle Township, Lake Reese Watershed, be rezoned from Residential Agricultural to Residential Exclusive/Conditional Use. Parcel ID # 7713106430. The proposed Conditional Use Zoning District would specifically allow the development of a 8 lot subdivision for site built homes and off-frame modular homes. Property Owners: Mrs. L.A. Briles Heirs.

Stacey Zackary, Real Estate Agent, said that they are proposing lots of 2 acres in size with County water. Zackary said that it has been evaluated by a soil scientist and all the homes would be basically site built. Zackary said that the back 11 acres would be purchased by an adjoining

land owner.

Johnson said that he has had some comments of concern about the traffic congestion this may cause and the topography of the land. Johnson said that an adjoining property owner has submitted a letter to the Board detailing specific concerns of the adverse impact such a subdivision design would have that impedes the natural drainage of the property.

Stan Byrd, Stan Byrd Realtors, said that his client (the property owner) still owns the property across the road. She needs to sell the property to fix up her home and she plans to give the State the property across the road to be maintained naturally. Byrd said that there are no other houses within ½ mile on the other side of the road. Byrd said that they are trying to keep the number of lots to a minimum and still have stick built homes.

Craig Pillson, 1064 Forest Lake Drive, said that they would like the rezoning be denied because we are in a conservation area. Pillson presented a copy of The Courier-Tribune that had an article in it about the proposed Growth Management Plan. Pillson said he built here a little over 10 years ago and talked about the eagles that nest in this area. Pillson said that if these driveways are put in it would not conform and create a hazardous driving condition along this road. Pillson talked about the logging trucks that drive this road. Pillson said with this many new driveways it would have an urban-sprawl look.

There were 20 people present in opposition to this request.

Pillson thanked the Board for the Growth Management Plan they are proposing and said that this would be in the Rural Conservation Area. Pillson said that the off-frame modular homes would not conform with their type of housing in Lake Forest Estates. Pillson talked about if the rezoning was denied they would be opposed to the real estate company taking the property and putting mobile homes on it. Pillson also discussed another area that Stan Byrd Realty has developed small mobile home lots and the problems in that area. Pillson said that they felt this was the tip of the iceberg and this not what they want for their community.

R.L. Smith, 5157 Dogwood Trail, talked about the traffic hazards they already contend with and said that this is a high accident place. Smith said that if Earnhardt wanted to build a street with only one outlet he would not have a problem with this development. Smith said that these type of homes would not be up to standard with their homes. Smith said that he lived in a mobile home for 14 years but there is a place for everything. Smith talked about the mobile homes up the road.

Jim Jones, Lake Forest Estates, said that they had a meeting where 45 people came. Jones said that this property was the old Hoover Hill Goldmine and discussed the shafts that are around 350' deep on the other side of the road. Jones talked about the lumber companies in the community and the traffic problems this would create.

Dennis Sexton, 5042 Dogwood Trail, said that he is a fireman and talked about all the wrecks that have occurred on this road. Sexton said this would be 9 new driveways in less than 1/4 of a mile. Sexton said that if this is granted the homeowners should be advised that they would need good life and car insurance.

Johnson expressed concern for the number of driveways that would be added to this existing road.

Morton said he was concerned with all these driveways either and he just didn't feel good about it.

McDowell asked if the developer felt he would have to have 9 lots. Byrd asked Morgan to address this question. **Charles Morgan**, surveyor, said that the topography of the land and the 80,000 sq. ft. minimum lot size doesn't really lend itself to any other type of design. **Stacey Zackary** said that with the cost of the property and the topography it would not be economically feasible to change the layout.

Dorsett said that no matter how the lots are configured the school bus will still stop on the road and this could cause a major traffic problem.

Morton said this would be the same if he has the 3 he can get by right or the 9 lots.

Dorsett made the motion to recommend to the Commissioners that this be **denied** because of the safety of the road. **Craven** seconded the motion and the motion passed unanimously.

- D. **MCDOWELL TIMBER COMPANY**, Asheboro, North Carolina, is requesting that 164.32 acres located on Jackson Creek Road, Concord Township, be rezoned from Residential Agricultural to Residential Exclusive/Conditional Use. Parcel ID # 7710115679. The proposed Conditional Use Zoning District would specifically allow the development of a 20 lot subdivision for site built homes only.

Johnson said that the first proposal had 2 roads and the new would only have 1 road. Johnson said that the size of the tracts have been increased.

Ken McDowell was present and said that they were denied this subdivision and the biggest reason was density. McDowell said since that time they have reduced their lots from 28 lots to 20 lots and the homes would be site built only and 1,800 sq. ft minimum size. McDowell said that they have not cut any of the timber and they don't plan to cut any of the timber. McDowell said that most of the land is open land and no trees will be disturbed when the road is built. McDowell said there will be only one driveway on the existing road plus the new road.

McDowell said that this would be the most lots he would have and nothing would be under 2 acres. McDowell discussed the proposed deed restrictions that would require all homes to be site built.

Roger King, 5225 Jackson Creek Road, said that he has lived here for 23 years and he has serious concerns about this development. King said this is a quiet community and they feel this will threaten this community. King said he didn't feel this would be compatible with their community of large tracts of land. King discussed traffic safety along Jackson Creek Road. King said that the entrance is located in a hazardous curve. King discussed school overcrowding that already exists in their community. King talked about the drinking water supply and said this would threaten the quality of the water table. King talked about the wildlife habitat that would be threatened. King asked the Board to consider the proposed Growth Management Plan that designates this area as a Rural Conservation Area that will attempt to control rural sprawl. King said this plan shows that this type of plan is not targeted for our area. King said this would be in direct defiance of this proposed Growth Management Plan. King said that they didn't feel McDowell had gone far enough to protect their area. King said if this Board feels the proposed Growth Management Plan is in the best interest of our County we would ask that you deny this request. King said they would like to see 5 acre minimum lot sizes, no commercial activities, appropriate buffers, etc.

There were 17 citizens present in opposition to this request.

Johnson said that if the new regulations were adopted the subdivision would be required to meet additional requirements but that is something that has not been approved by this Board nor the Commissioners.

Morton said that there are only 9 lots less than 4 acres and he felt he has good proposed deed restrictions for this rural of a community.

Brower said he liked the layout with only one entrance and only 1 fronting on Jackson Creek Road.

Brower made the motion, seconded by **Morton**, to recommend to the Commissioners that this request be **approved**.

Dorsett said he felt this was a well thought out plan for the regulations that we currently have in place. Dorsett said that he would like to go with the majority but this is not a popularity contest.

McDowell said that he would like to see the farm remain in one piece, that these are his neighbors, but he realized that Ken has tried to sell the property in one piece. McDowell commended Ken on the changes that he has made to his plan. McDowell said that he did agree with King that the new plan would not allow this development but we do not have this Growth

Management Plan in effect at this time.

The motion passed unanimously.

- E. **RICHARD KELLER**, Denton, North Carolina, is requesting that 45.30 acres located at 7639 NC Hwy 49 South, Concord Township, be rezoned from Residential Agricultural to Light Industrial/Conditional Use. Parcel ID # 6698703925. The proposed Conditional Use Zoning District would specifically allow a Planned Business Development for auto sales, mini warehouse storage buildings and expansion of existing salvage yard.

Jon Megerian, Attorney, said that what is now developed is right up to the creek and this business was being operated here prior to County wide zoning. Megerian provided a copy of an aerial photography that showed vehicles there at that time. Megerian said that all the way up to the creek is a non-conforming use. Megerian said that when the zoning was passed Keller thought his property was all zoned industrial. Megerian said that at this time they have decided to not ask for the property beyond the creek to be zoned at this time. Megerian said that they are asking for the property that has been being used up to the creek to be zoned. Megerian asked Johnson if there was any question if the property up to the creek was being used for the business and Johnson answered no. Megerian said that they are asking for the mini-warehouse storage that would not be a part of the junkyard that exists on the property at this time. Megerian said Keller does live on the property. Megerian presented pictures of the property and the area. Megerian said that Keller does hold a dealers license for this property. Megerian said he does propose to plant a buffer of cypress trees. Megerian said that Keller is present and has areal photographs to show that this was being used for the business up to the creek at the time of zoning. Johnson asked how many acres is across the creek and Keller said that it is approximately 15 acres. Ridge asked about the cars near the creek and Keller said that he is approximately 20 feet from the creek. Megerian said that the property has been inspected by State and Federal Agencies and has never been a problem. Johnson told Keller that he does need to be 50 feet from the creek. Ridge said he felt the zoning, if approved, should stay out of the flood zone. McDowell said he thought there was some type of screening required or if he plans to screen along the highway. Keller said that the State has no problem with the screening.

Doug Nance, next door neighbor, said that he was unaware that any of the property was zoned industrial. Nance said that when he bought the property it was restricted. Nance said that he has had no problems with Keller but why is he allowed to use the property industrial. Nance showed pictures of parts (tires, car parts, etc.) that have been washed on his property and down into the creek. Nance talked about the drainage from the site for the warehouses would come all down hill onto his property. Nance brought an article from the paper of Johnson talking about the farming communities in the County. Nance said he didn't want to see the County allow him to build these mini-warehouses or expand on the other side of the creek.

Johnson asked Keller and **Megerian** if they had seen these pictures and they answered no but they would like to see them when the Board was through with them. Johnson told Keller that the point is that he needs to maintain a buffer along this creek regardless of the action taken by the Board on this request.

Harry Goodman, (lives approximately 3 miles from this site), said that he had planed to object to the expansion of the junkyard but he understands that Keller is withdrawing this part of the request. Goodman said he would proposed that Keller reduce the junkyard by the amount of square footage that the warehouse take up. Goodman talked about problems he is having with Yates business next to his property.

Paul Hinshaw, adjoining property owner, said that he has never been notified that this property would ever have been zoned for a junkyard. Hinshaw said that there is a lot of debris along his property from this business and he invited the Board as Nance did to look at their properties and this business. Hinshaw showed the Board where is property was located.

Ken Hinshaw, 7446 NC Hwy 49S, said that he would be opposed to any industrialization of Keller's property. Hinshaw said that this is a scenic byway and we should do the most possible to see it remains this way.

There were 6 people present in opposition to this request.

Dorsett said that his biggest concern is the trash in this creek. Dorsett said this could be stopped if a fence was placed along the flood zone to prevent debris from getting into the creek.

Ridge said he felt the fence should go all the way around the property. Ridge said he felt there should be a 50' buffer along each side of the property (both the junkyard and the mini-warehouse storage).

Johnson discussed his concerns for the creek and said that plantings would have more of an effect on the creek than just a chain-linked fence.

Johnson said that he has substantially reduced his request and the fact is that he did recall Keller in '87 at Farmer School (at a Public Hearing held by the Commissioners during the implementation of Countywide Zoning). Johnson said that he did tell the Board that he was here and he operates his business here. Johnson said that this is a legitimate non-conforming use. Johnson advised the Board that if they approve the mini-warehouse storage the Board could add a condition of the fence along the creek, but he is required to have the 50' buffer as the zoning is at this time.

Ridge asked if the storage area would be fenced in separate from the rest of the property and Megerian answered yes.

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

****6'** privacy chainlinked fence around the entire property being requested to be zoned

****maintain** out of flood area

****work** with the Planning Staff on appropriate buffers (around the storage facility and the creek)

Brower seconded this motion.

Megerian said that they didn't know if they could except these conditions because they are not sure of what the cost of these conditions would be. Megerian said that they would certainly plant a buffer along the property line (near the warehouses) and pines along the flood plain. Megerian said that they had no objection to this recommendation and they would consider these conditions before the Commissioners hear this request.

The motion passed unanimously.

- F. **CHARLES MILLER**, Trinity, North Carolina, is requesting that 2.08 acres located on Kennedy Road, Trinity Township, Lake Reese Watershed, be rezoned from Residential Agricultural to Highway Commercial/Conditional Use. Parcel ID # 7706616605. The proposed Conditional Use Zoning District would specifically allow an 80 x 30 building (to be constructed on site) for a variety, grocery and computer sales/service business.

Miller was present and expressed his interest to move their existing business closer to their residence. Miller said that they have been in business closer to High Point since 1986.

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. **MICHAEL INGRAM**, Asheboro, North Carolina, is requesting that 1 acre located at 3145 Rainbow Loop, Rainbow Park Subdivision, Lots 231-245, Cedar Grove Township, be rezoned from Residential Restricted to Residential Agricultural/Conditional Use. Parcel ID # 7657768001. The proposed Conditional Use Zoning District would specifically allow the placement of a Class-B mobile home.

Diane Ingram was present and explained that there is an existing septic tank on the property here and there was a single-wide there at one time. Ingram said that there are several mobile

homes on the road and 3 garages on this road also. Ingram said that they would maintain the property well and this would be a nice lot. Ingram provided the Board with pictures. Ingram said that this would buffer them from a garage next door to their home. Ingram said that this would be a rental home.

There was no one present in opposition to this request.

Aweilda Williams, real estate agent, explained that there is already a carport, septic tank, power pole, well, on this property.

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

7. **Johnson** announced that there will be a joint meeting held on April 10th at 6:30 p.m. with the Planning Board and the Board of County Commissioners. **Maxton McDowell** told the Board that this Board may want to ask the Commissioners to place a moratorium on major subdivision developments until the Growth Management Plan could be considered. The Board agreed. **Craven** made a motion, seconded by Dorsett, to ask the Commissioners to place a moratorium on major subdivision developments until the Growth Management Plan could be considered. The motion passed by a 5 to 1 vote with Brower voting against the motion.
8. The meeting adjourned at 9:17 p.m. There were 89 citizens present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**