

MINUTES
RANDOLPH COUNTY PLANNING BOARD
February 5, 2002

There was a meeting held at 6:30 p.m. on Tuesday, February 5, 2002, of the Randolph County Planning Board in the Commissioner's 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, present; Chris McLeod, present; and Mark Brower, Alternate, absent
3. **Craven** made the motion, seconded by **Dorsett**, to approve the Minutes of the January 8th, 2002, 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 citizen took this Oath.

5. **SPECIAL USE PERMIT REQUESTS:**

- A. **LOWANDA MCDOWELL**, Asheboro, North Carolina, is requesting a Special Use Permit to allow an office, retail sales, and business storage in existing 32' x 150' building on a 41.10 acre tract, to be located at 1934 Old Humble Mill Road, Grant Township, Zoning District RA, Parcel ID # 7679674618.

Lowanda McDowell was present and explained her intentions to continue to operate her business that her parents started in the 60's. McDowell said that they have 2 employees that work here and her store out on Hwy 64. McDowell said that this business is retail sales of horse tack, western clothing, feed and seed, etc.

There was no one present in opposition.

Brown made the motion, seconded by **Craven**, to **approve** this request for a special use permit. The motion passed unanimously.

Boy Scout Troop 511 (sponsored by Bethany United Methodist Church) were present for this hearing and Chairman Maxton McDowell recognized the Troop and thanked them for coming.

6. **REQUESTS FOR PROPERTY REZONING:**

- A. **JOYCE LAMB & ANGELENE KAYLOR**, Franklinville, North Carolina, are requesting that 10.00 acres (out of 43.61 acres) located on Foushee Road, Columbia Township, be rezoned from Residential Agricultural to Highway Commercial/Conditional Use. Parcel ID # 8712312688. The proposed Conditional Use Zoning would specifically allow the operation of a restaurant in a 45' x 70' proposed building. Property Owners: Y2K, LLC.

Debbie Craven, Coldwell Banker, Asheboro, representing the sellers of the property. Craven said that the purchasers of the property are requesting this property be zoned to allow a family style restaurant. Craven said that the restaurant would be called "Maggie's Home Style Restaurant". The restaurant would have hardwood floors, checkerboard table cloths, and home style pictures on the walls. Craven presented a diagram of the building, the interior design of the building, and a picture of a log home style facility (1 ½ story). Craven said that there have been a lot of these type of restaurants that have been out in the country such as Fran's Front Porch, The Old Place, etc. Craven said that there is a lot of traffic in the area generated by the school, the manufacturing facilities, etc. Craven said there would be approximately 15 employees at this facility. Craven said that they would be wanting a nice restaurant that would blend into the community. Johnson asked why this would be a desirable location for the purchaser and Craven explained that this would be in line with what price they planned for property purchase and it's location to the Hwy. Craven said they are considering connecting public sewer to Ramseur's system, but the property has been checked by soil scientist.

Raymond Swaim, 5705 Foushee Road, said that this area is primarily an agricultural area. Swaim said that he is opposed to this type of development because of the traffic that will increase. Swaim said that the road really needs resurfacing and is not in very good shape. Swaim said that there is not a turn lane to the middle school and it is very difficult to commute in this area during school hours. Swaim said that the people at these local plants only have 30 minutes for lunch and are not able to leave during lunch. Swaim said that when these people get off work their one thought is to get home (not to stop at a restaurant), they want to get away. Swaim said that he farms here and driving his tractor on this road with all this traffic has become very dangerous. Swaim talked about an accident with a farmer on his tractor on Lee Lane last year. Swaim said he felt this development would only bring more problems in this area. Johnson asked Swaim if his farm adjoins this property and he answered yes.

W.T. Cox, 6373 Foushee Road, said that he was born and raised on the property adjoining this site. Cox said that they are very concerned with anything that is proposed in their neighborhood.

Cox said that the property owners of this site asked Ramseur to allow them to develop a cluster division for mobile homes last year and 69 residents turned out in opposition to that proposal. Cox said since that time the property owners cut up lots on the opposite side of the road for mobile homes. Cox said that if this request was approved he would ask that the Board restrict the allowance of tractor trailers coming to the site. Cox also asked for setbacks and buffers to be required. Cox said that they would be opposed to anything that would decline their neighborhood. Cox said that this may not be a bad thing but he would ask that the Board require them to landscape the property nice and keep the large trucks out.

Mary King Voncannon, 5132 Foushee Road, said that she has lived here all her life.

Voncannon said that it seems like Ramseur has reached a down hill in Ramseur with a lot of fast food popping up. Voncannon said that the traffic is terrible during school hours and special activities, and to the manufacturing plants. Voncannon said that this would be putting a lot more traffic on this small narrow road. Voncannon said that buses, cars and large trucks cannot meet on this road easily. Voncannon said that this has been zoned RA since the beginning of County Zoning. Voncannon said that this residential area is well kept and why should we mess this area up. Voncannon said that the Commissioners already approved a restaurant at the other end of Reed Creek Road last night and this one isn't needed.

There were 5 people present in opposition to this request.

Morton said that this is probably as good a use as could be put here with the type of development in the area. Morton said he felt this would be better than additional manufactured housing or industrial development.

Craven said that 18 wheelers coming in trying to find something to eat wouldn't be coming off Hwy 64 into the country.

Dorsett said that the traffic for a restaurant would be during off hours of the school, such as noon and at night.

Morton said he felt the busiest times would be Friday and Saturday nights and not during school hours.

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

**no tractor trailer traffic

**landscaping plan approved by Planning Staff

**site plan and facility plan as presented

Chairman McDowell asked the Planning Director's comments on this request. **Johnson** said that his first concern was that this would be a pre-fab building, but the plans that have been presented would be a visually attractive facility that would blend more favorably into the community. (Johnson said that the plans show a "Cracker Barrel" style restaurant.) The plans would be included in the Conditional Use.

Craven seconded the motion, and the motion passed unanimously.

- B. **LESTER DAVIS**, Sophia, North Carolina, is requesting that 23.56 acres located Spencer Road, New Market Township, Randleman Lake Watershed, be rezoned from Residential Agricultural to Residential Exclusive/Conditional Use. Parcel ID #'s 7737908460; 7747003764; 7747013144; 7747015038; and 7747017032. The proposed Conditional Use Zoning would specifically allow a 2 lot addition to Spencer Lake Downs, for a total of 12 lots, for site built homes only with an 1,800 sq. ft. minimum.

Jerry King, Surveyor, 154-B South Fayetteville Street, Asheboro, was present to represent Mr. Davis. King said that additional property was acquired after the original plan presented. King said that this would be site built homes with 1800 sq. ft. minimum sizes.

There was no one present in opposition to this request.

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

- C. **DONALD & CHERYL LANIER**, Asheboro, North Carolina, North Carolina, are requesting that 38.27 acres located on Soapstone Mountain Road, Columbia Township, Sandy Creek Watershed, be rezoned from Residential Agricultural to Residential Exclusive/Conditional Use and Residential Restricted/Conditional Use. Parcel ID #'s 8724198743; 8724293843; 8724296876; and 8724395822. The proposed Conditional Use Zoning would specifically allow a 16 lot subdivision with 12 lots (totaling 30.06 acres) to be zoned Residential Exclusive/Conditional Use to allow site built and conventional modular (off-frame) homes only and 4 lots (totaling 8.21 acres) to be zoned Residential Restricted/Conditional Use to allow site built, modular or double-wide mobile homes on permanent masonry foundations.

Johnson reminded the Board that this request had been considered by the Planning Board at their meeting in December. The Planning Board had recommended to the Board of Commissioners that the previous request be approved based on County lot size standards in place at the time. The request considered by the Planning Board in December was the following:

The proposed Conditional Use Zoning would specifically allow a 23 lot subdivision with 17 lots (totaling 30.06 acres) to be zoned Residential Exclusive/Conditional Use to allow site built and conventional modular (off-frame) homes only and 6 lots (totaling 8.21 acres) to be zoned

Residential Restricted/Conditional Use to allow site built, modular or double-wide mobile homes on permanent masonry foundations.

Johnson said the Board of County Commissioners denied the request in January. County Zoning regulations do not allow the same request for rezoning to be heard by the County Commissioners after a final decision is made for a period of one year. However, the Zoning Ordinance does allow the County Commissioners to rehear a request (in less than a year) if the County Commissioners unanimously find that there has been substantial changes resulting in new information to warrant resubmission. Johnson said the landowner/developer had asked that his request be reconsidered based on substantial changes he had made to the original proposal. Before this request could be resubmitted to the County Commissioners for their final decision as to whether they will rehear the request, it must first be reviewed by the Planning Board.

Lanier was present and explained that the original request was for 23 lots with a minimum lot size of 1.5 acres and an average of 1.7 acres and this request is for 16 lots with a minimum of 2 acres and an average of 2.5 acres. Lanier said that 12 lots would be for site built homes (property lying to the west) and 4 lots would be for manufactured homes (double-wides) or modular homes. Lanier said that this is an area that is experiencing a lot of growth with it's close proximity to Hwy 421 and Hwy 49. Lanier said he understands the community's concerns and he has attempted to work with the neighbors. Lanier said that they have had a couple of verbal agreements with the neighbors and then they were not confirmed. Lanier said that the homes would be 1400 sq. ft. in size. Lanier discussed the easements that they have given to the group in charge of the McMasters Cemetery. Lanier said that he would like to opportunity to speak to the Board after the opposition has been expressed by the community.

Johnson said that the Commissioners did approve the Growth Management Plan and the Commissioners said that it comes effective today and any requests before the Planning Board tonight should be considered under the regulations prior to it's passage.

Leslie Thompson, 2050 Soapstone Mountain Road, said that she did not want to give the impression of a division in their community because they have always asked for 5 acre lots but she was speaking neutrally about the request (not in opposition). Thompson said however she felt Lanier has bent over backwards to try to accommodate the neighbors. Thompson told the Board that they have been appointed to the Board to do what is best for the community and she appreciates the Board for their consideration in her community. Thompson said she would like to personally thank Lanier for trying to work with this community and all his efforts.

David Posey, 6367 Whites Chapel Road, said that he agreed with Thompson and he was in negotiations with Lanier to ease the pressures on the Community and this was one of the proposals they had agreed with. Posey said that he would like to see 3 acre lot sizes but he didn't feel this was a bad plan.

Hazel Kimrey, 6824 Sandy Creek Church Road, said that she has lived here since 1943 and could write a history of this area. Kimrey said that once their way of life is lost it cannot be

regained. Kimrey said that we are only care takes for the next generation of this property and God isn't making any more land. Kimrey said that there is the old Liberty Dump here that could contaminate their water. Kimrey said that they have may farms within a 5 mile area and said that there are also many homes for sale in this same area at this time. Kimrey said she is opposed to the request but if it must be approved they would like to see screening borders, children's play area, 3 acre minimum home sites and site built homes only.

Ted Fulk, 2151 Soapstone Mountain Road, said that they are back again and this is a few less houses but it still looks the same. Fulk said that they don't want any mobile homes to be allowed here. Fulk said that this could set a precedence of more mobile homes on future developed properties. Fulk asked the Board to turn this request down. Fulk said Lanier didn't come speak to the Community but he did speak with 2 people from the neighborhood (not the entire community).

Em Vastagh, 1707 Land Estates Drive, asked to speak neutral on the matter. Vastagh thanked Lanier for dropping the number lots down. Vastagh said that she would like to see 5 acre lot sizes but at least 3 acres. Vastagh said that the neighborhood paid for 50% of the pavement of this road and she didn't want to see this many homes and she didn't feel that 1 more acre per lot would be much.

Jack Barker, 2153 Soapstone Mountain Road, said that he has lived here for 9 years and they would like to see it remain farm land. Barker said that the decisions of development are in this Board's hands and they are asking for the Board's help. Barker said that we are messing our drinking water up and asked the Board to help the community. Barker said that he would like to have seen the Commissioners require 5 acres instead of 3 acres in this area.

There were 10 people present in opposition.

Lanier said that he did speak with 2 representatives and spoke to several others over the phone about this request. Lanier said that he didn't want to attend a community because he realized that another developer had done this and things were told later that weren't really said. Lanier said he felt this plan would be compatible to what is in the community.

Dorsett said that he would like to see all stick built homes in the area but that he did feel Lanier deserved to have this passed.

Johnson said that the Planning Board recommended this to be approved with higher density originally (a couple of months ago).

Craven said he felt this was a 32% decrease in homes and he felt 1/3rd would be a substantial increase.

Morton said that he had already increase the lot sizes on the first request above what we require. Morton said that he felt the same now as he did then (that the request should be approved).

Dorsett said if this was all stick built homes he felt it would be more substantial of a change.

McLeod said that the neighbors don't want anything to change but we should allow a person to use their property in a manner consistent with existing lot size rules.

Craven said that the Commissioners' concern was density last month and this would be a decrease of 1/3rd of the original request.

Morton agreed and said that he felt it should be approved.

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

7. **Johnson** gave the Board a brief update on action taken by the Board of County Commissioners February 4 in approving the new Growth Management Plan and related Zoning Ordinance Amendments. Johnson said it would be good to have another special working session with the Planning Board to review the new plan and zoning revisions approved by the Commissioners. Johnson said he would also like to ask County Attorney Alan Pugh if he could attend and talk to the Board concerning legal issues connected to land use decision making rules. Johnson said this working session would build upon the one held with the Planning Board several months ago and facilitated by the Piedmont Triad Council of Governments. Board members agreed that another working session would be very beneficial and asked Johnson to set up a time. Johnson said he would talk with Alan Pugh and try to set up a session within the next two weeks.

8. Discussion of - **Order Denying a Variance** - regarding the request of Robert Tate that was heard at the January 8, 2002, Board of Adjustment meeting.

Johnson said that the action taken by the Planning Board in January is not final until the Board has approved the official Order Denying the Variance. Johnson said the applicant had not been prepared to present evidence that may have been critical to the Boards findings. Johnson asked if the Board would consider hearing the request for Variance again at the March meeting before making a final decision.

Craven made the motion, seconded by **Ridge**, to rehear the request for Variance at the March meeting. The motion passed 6 to 1 - **Dorsett** voted against the motion.

9. The meeting adjourned at 8:21 p.m. There were 41 citizens present for this meeting.