

MINUTES

RANDOLPH COUNTY PLANNING BOARD

January 4, 2005

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, January 4, 2005, 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, absent; Lynden Craven, present; Larry Brown, present; Phil Ridge, present; Chris McLeod, present; Jim Rains, present; and Reid Pell, Alternate, present (substituting for regular member Bill Dorsett). County Attorney Alan Pugh was present for this meeting.

Johnson introduced the new Planning Board member, Reid Pell. Johnson explained that Pell will serve as an alternate.

3. **Craven** made the motion, seconded by **Rains**, to **approve** the Minutes of the December 7, 2004 County Planning Board Meeting. The motion passed unanimously.
4. **OLD BUSINESS:**

MCDOWELL LUMBER COMPANY, Asheboro, North Carolina, is requesting that 30 acres (out of 120.30 acres) located at 2473 Falling Oak Road, Concord Township, be rezoned from Light Industrial and Residential Agricultural to Heavy Industrial/Conditional Use. Tax ID# 7619762602. The Conditional Use Zoning District would specifically allow a saw mill operation for lumber and pallets as per site plan.

McDowell excused himself from this request. McDowell turned his position over to Lynden Craven to preside over this case. **Pell** was also excused from this request because he was not a Board member at the time of the public hearing process of this request.

Johnson explained that the Board heard this request at public hearing last month. The Board closed the public hearing portion of the request and continued their discussion process. The Board decided to continue the request until this

meeting to allow the applicant time to meet with the Planning Director and consider possible conditions, proposed by the adjoining property owners, to answer some of their concerns. Johnson provided the list of conditions submitted by McDowell for the Board to consider as an amendment to McDowell's request. Johnson explained the Board would consider the conditions as submitted and forward a recommendation to the Board of Commissioners to be considered at public hearing on February 7, 2005. Johnson reviewed the conditions proposed by McDowell:

- a. Must contact AT&T officials before digging or building near any area of cable right-of-way and obtain appropriate clearance from AT&T.
- b. No construction of any buildings north of any existing structure facing Old NC Hwy 49.
- c. Must maintain three staggered row of evergreen trees fronting Old NC Hwy 49 as per site plan.
- d. Must maintain three staggered rows of evergreen trees along the eastern property line embankment area as per site plan.
- e. Must maintain one row of evergreen trees along the southeastern open area of the property line as per site plan.
- f. Must maintain one row of evergreen trees along the western property line.
- g. Existing exterior fans on the northern wall of the pallet building must be relocated to the eastern wall. The eastern wall must be enclosed with an insulated addition of roof, north, and east walls so the existing eastern wall becomes an interior wall to reduce noise.
- h. The open breathing/inspection hole at the top of the sawdust waste bin must be enclosed and the "breathing" must be channeled within a newly constructed sheet metal pipe to the ground area to reduce dust.
- i. Current lighting (9 outside lights) must be reduced by approximately 1/2 (within the safeguards of employee security).
- j. Must install and maintain a scheduling system for trucks owned by McDowell Lumber to reduce the truck traffic during the weekend and late night.
- k. Must comply with all OSHA requirements concerning safety, noise, and air quality.

- l. Must comply with all State or Federal regulations concerning stormwater run-off.

Johnson explained that these are the conditions McDowell has submitted, and the Board will need to make a decision if these conditions are acceptable.

Pugh explained to Brown that the Board could ask the applicant if he would consider a time frame to complete these conditions, but the Board could not require the applicant to do so. **Tony McDowell** said that he would comply as quickly as possible and agreed to comply within 3 months. **Pugh** asked Tony if he was asking the Board to consider the 90-day time period for completion as an additional condition of his request. **Tony** answered yes. **Pugh** asked Tony if the conditions, discussed by Johnson and signed by Tony, were to be considered as conditions adopted to his request. **Tony** answered yes.

Craven said Johnson has reviewed the conditions requested by the Board. Craven said that the public hearing portion of this request was held last month and at this time the Board should consider these proposed conditions and make a recommendation to the Board of Commissioners.

Brown asked if he could ask a yes or no question at this time. **Craven** answered yes. **Brown** asked the Winslow family if they were in agreement with the proposed conditions and **Claude Winslow** answered no. **Pugh** said that regardless of what this Board does, the Board has made an attempt to seek a resolution in the case. Pugh said there are good legal arguments to be made by both McDowell and those in opposition. Pugh said that the Board's decision may not satisfy either party, but it is the Board's job to make a decision.

McLeod said that he felt these conditions are pretty much what the neighbors have requested.

McLeod made the motion, seconded by **Rains**, to recommend to the Commissioners that this request be **approved**. The motion passed by a vote of 3 to 2, **Brown** and **Craven** voted against the motion.

5. **REQUESTS FOR PROPERTY REZONING:**

- A. **SHANE HINSHAW**, Asheboro, North Carolina, is requesting that 6.24 acres located at 4864 US Hwy 220 South, Cedar Grove Township, be rezoned from RA/HC-CU to HC-CU/RA-CU. Tax ID#'s 7657760862, 7657667862, 7657770068, and 7657667567. The proposed conditional use rezoning would specifically rezone 2.67 acres for a landscaping & nursery

business and billboard, and 3.60 acres to allow owner's residence and 2 rental mobile homes as per site plan. Worth D. & Christine D. Johnson - Property Owners.

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommended to the County Planning Board that this request be approved. This property is located in a primary growth area where mixed uses are expected.

Johnson explained that this site was approved several years ago for a wreck service and auto storage business. Johnson said the property has been in zoning violation. The vehicles and business have now been removed from the property.

Hinshaw said that he does own the property now. Hinshaw said he plans to continue the clean up of the property and fix up the existing residence for rental purposes. Hinshaw said a private soil scientist has approved the soils. Hinshaw said he currently employs 2 people in his small landscaping business.

There was no one present in opposition to this request.

Craven made the motion, seconded by **Rains**, to recommend to the Commissioners that this request be approved as consistent with the existing mixed development in the area. The motion passed unanimously.

- B. **FERGUSON REALTY & DEVELOPMENT**, Staley, North Carolina, is requesting that 55 acres located on Whites Chapel Road (just east of Ferguson Farms Clubhouse), Columbia Township, be rezoned to allow a residential subdivision. Tax ID# 8714626370. Zoning District RA. Sandy Creek Watershed. The Conditional Use Zoning District would specifically allow the development of a 29-lot site built subdivision, as per site plan, with a minimum house size of 1,500 sq. ft.

- **Neighborhood Information Meeting Summary**

Two adjoining property owners attended the Neighborhood Information Meeting. They expressed support for the project and its design, and felt this subdivision would enhance the community.

- ***Technical Review Committee Recommendation***

The Technical Review Committee met and found that the proposal was in compliance with standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommended to the County Planning Board that this request be approved. It should be noted that the applicant must maintain adequate stream buffers to ensure water quality.

Examples of some Growth Management Policies that the Technical Review Committee found supporting this recommendation are:

Policy 6.4 Innovative and flexible land planning techniques should be supported as a means of encouraging development configurations which are more desirable and which may better safeguard existing natural land and water resources.

Policy 6.7 Open space flexible cluster subdivisions shall be encouraged.

Garland Ferguson was present and said that he felt there was a need for a golfing community in the eastern Randolph community. Ferguson said there was no golfing community in this part of the county and feels this would assist with economic development for the Eastern Randolph area. Ferguson said the development will allow the golf course to continue and they will comply with all regulations and guidelines. Ferguson discussed the stormwater controls for the development of the subdivision.

Johnson asked Ferguson how the new road would impact the adjoining properties. **Ferguson** said that he developed the adjoining lots and said the road is being proposed approximately 200 ft. west of the Laferty property on the Ferguson property. Ferguson said the lots will have a view of the golf course.

Don Laferty, 5602 Whites Chapel Road, said the drawing submitted to the County shows the entrance crossing his property. Laferty said he just wanted to be assured that the road will not be on his property. **Ferguson** said this information was an error on the plans and the road will be placed on the Ferguson property and not the Laferty property. **Pugh** said the County has no right to approve any applicant encroaching on anyone else's property. Pugh told Laferty that this Board has no right to approve anything that is not on Mr. Ferguson's property.

Ferguson said that he would furnish the County with new plans to assure the road will be located on Ferguson property.

Craven said he felt Ferguson Farms has done a good job here and made the motion to recommend that this request be **approved**. **Ridge** said that he was impressed with the request and seconded this motion. The motion passed unanimously.

- C. **LARRY FERREE**, Ramseur, North Carolina, is requesting that 3 acres located at 1142 Mill Creek Road, Coleridge Township, be rezoned from Residential Restricted to Residential Agricultural/Conditional Use. Parcel ID# 8701215508. The proposed Conditional Use Zoning District would specifically allow a single-wide mobile home to be placed to the rear of the existing home as per submitted site plan.

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that this proposal was not in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommended to the County Planning Board that this request be denied. The staff is concerned about "down zoning" properties located within a restricted residential zoning district.

Ferree was present and explained when he purchased the property there were no restrictions. Ferree said at one time he had a single-wide mobile home at the rear of the property. Ferree said he has an existing septic tank system and power at the rear of the property. Ferree said he is asking for this permit to help a family member. Ferree said he has talked with the neighbors and they don't have any problem with the additional mobile home.

There was no one present in opposition to this request.

Craven said that under the circumstances he felt this would be a family hardship case. Craven said he felt when the mobile home was no longer used by a family it should be removed. **Pugh** advised that this condition could be added by the applicant. **Ferree** said that he would agree to add this condition. Ferree said he would not use the mobile home for rental property. **Craven** asked if he would have to drill a new well and **Ferree** answered no.

Craven made the motion, seconded by **Rains**, to recommend to the Commissioners that this request be **approved** with the condition that the mobile home be removed if it was no longer used by a family member. The motion passed unanimously.

- D. **NEIL HAMMOND**, Asheboro, North Carolina, is requesting that the Conditional Use Permit issued on 1.01 acres (out of 4.67 acres) located on the corner of Union Church Road/Old NC Hwy 49, Cedar Grove Township, Zoning District RBO-CU, be amended to include minor auto repair and used car sales. Tax ID# 7730518447. The current Conditional Use Permit is issued to allow only a convenience store. Harvey & Joan F. Hammond - Property Owners.

• **Technical Review Committee Recommendation**

The Technical Review Committee met and found that this proposal was not in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommended to the County Planning Board that this request be denied. The staff is concerned about so many intense commercial activities on one parcel within this residential community. The convenience store that is currently allowed on this parcel would be a single, low-impact use that provides a needed service to the community. The proposed automotive repair business and automotive sales lot would be multiple intense uses and should be located in a Highway Commercial area, not a Rural Business District.

Johnson explained that this property was zoned for a rural business of a

convenience store. Johnson said a rural business is not a highway commercial business, but a business that is designed to provide a service to a rural community. Johnson said Hammond is now requesting the Board also consider the property for a car repair shop and automotive sales. **Hammond** said he would service cars, inspect cars, and have tire sales. Hammond said there would be no outside storage of parts or cars. Hammond said the used car sales would be to allow him to get a dealers license. Hammond said the request is not for a car sales lot. Hammond said he has discovered that it would be expensive to install the gas pumps and this would allow him to have a wider variety of activities on the property.

There was no one present in opposition to this request.

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

Ridge asked if the Board should consider a limit of the number of cars that could be stored for sale.

McLeod asked Hammond how many cars he would have on the property for the business. **Hammond** said he didn't know what an exact figure would be.

Pugh said that in considering a zoning request the Board should consider that the zoning goes with the land and not the owner. Pugh said the Board should also consider that the Rural Business designation is to provide a service to the rural community and he felt the Board should consider limiting the possible size of the car sales lot. **Ridge** said he felt that the Board should possibly consider limiting the number to 8 cars. **Craven** said that Hammond has made the statement that he really just wants his dealer's license. Craven said he would go along with limiting the number to 5 cars.

Hammond said that he would agree to limiting the number to 8 cars.

McLeod amended his motion to include Hammond's amendment of limiting the number of vehicles for sale to 8 and no outside storage of junk cars or materials/parts. **Rains** seconded the amended motion.

The motion passed unanimously.

- E. **SCHWARZ PROPERTIES, LLC**, Asheboro, North Carolina, is requesting that 13.04 acres (out of 21.90 acres) located at 4675 US Hwy 64 East, Franklinville Township, be rezoned from LI/RA to HC-CU/LI-CU. Tax ID# 7782909327. The proposed conditional use rezoning would specifically rezone 1.94 acres for retail sales and services, and 11.10 acres for industrial shops and storage as per site plan.

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommended to the County Planning Board that this request be approved.

The applicant requested the Board to consider allowing two of the existing buildings at the front of this facility to be used for commercial purposes. **Shane Barker**, Schwarz Properties, said that they will not make any changes to the property. Barker said that the back three buildings are zoned RA currently and they would like to see all those buildings zoned LI.

Mark Mears, 3116 Acorn Ridge, said that he didn't have a problem with the front acreage for commercial zoning but he does have problems with noise in the back three buildings. Mears said his property adjoins this property to the rear. Mears said they don't have noise problems during the summer months when the leaves are on the trees but there are noises in the winter. Mears said that someone in one of those buildings has been playing an electric guitar.

Barker said that the buildings are used by large businesses for a temporary period of time. Barker said currently Wal-Mart is renting some of the buildings for storage while they are doing some remodeling. Barker said that if there are noise problems coming from the buildings, the neighbors can contact him and he will take care of these problems. Mears said he is not trying to complain but he just wanted to be sure there were not any changes or additional buildings. Mears said that if there were changes, he wanted to be able to request a buffer. **Pugh** said that there should be time for Mears to talk with Barker, and if he is not okay with their discussions, Mears could come to the Commissioners' meeting.

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

unanimously.

6. **Bobby McDowell**, Scout Leader of Troop 518, and his son **Lee McDowell**, Boy Scout of Troop 518, were in attendance of this meeting. Lee McDowell explained that he plans to attend Merit Badge College at Randolph Community College.
7. The meeting adjourned at 7:55 p.m. There were 56 citizens present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**

HAL JOHNSON

Planning Director

JILL WOOD

Date

Clerk/Secretary