

MINUTES

RANDOLPH COUNTY PLANNING BOARD

February 8, 2005

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, February 8, 2005, in the Commissioners' Meeting Room, Randolph County Office Building, 725 McDowell Road, Asheboro, North Carolina.

1. **Vice Chairman Bill Dorsett** 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, absent; Bill Dorsett, Vice Chairman, present; Lynden Craven, present; Larry Brown, present; Phil Ridge, present; Chris McLeod, present; Jim Rains, present; and Reid Pell, Alternate, present (substituting for regular member Maxton McDowell). County Attorney Alan Pugh was present for this meeting.
3. **Vice Chairman Dorsett** asked if there were any corrections to last month's minutes as they were written. **Brown** said that *The Courier-Tribune* writer and the Clerk to the Board misquoted him at the last meeting when it was written that he asked the Winslows if they were okay with the conditions that were being proposed by McDowell. Brown said that he asked the Winslows if the dust problem was okay (had the problem been corrected). **Craven** made the motion, seconded by **Brown**, to **approve** the Minutes of the January 4, 2005 County Planning Board Meeting with this correction. The motion passed unanimously.
4. **REQUESTS FOR A SPECIAL USE PERMIT:**

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."

Four citizens took this Oath.

- A. **JIMMY HILL**, Asheboro, North Carolina, is requesting a Special Use Permit to allow a rural family occupation for a seasonal haunted trail, to be operated only in October, at his residence located on 27.22 acres located on Linda Lane (just off of Hoover Hill Road), Tabernacle Township, Zoning District RA, Tax ID#'s 7713564256, 7713568335, 7713569184.
Hill was present for this meeting. Hill described the haunted trail and its

attractions. Hill explained each group of people is escorted by a guide. Hill said they have law enforcement and medical personnel on site. Hill said they carry a million dollar liability insurance and each employee is covered by workman's compensation. **Johnson** asked Hill if he had met with the Property Development Advisory Team to insure that he would be in compliance with all state and county regulations and **Hill** answered yes. Hill said they expect approximately 100 visitors each night and they will not operate on Sunday unless Halloween is on Sunday. Hill said the business will operate every weekend in October. Hill said they will close each night at midnight.

There was no one present in opposition to this request.

Johnson commended Hill on his preparation work to insure that the business would be operated in a safe manner.

Pugh suggested to the Board that they include the condition that proof of insurance coverages, as described, be filed with the Planning Department each year.

McLeod made the motion, seconded by **Brown**, that this request be approved with the condition that the operator file proof of insurance, as described, each year. The motion passed unanimously.

- B. **DANNY MILLER**, Archdale, North Carolina, is requesting a Special Use Permit to allow a rural family occupation of a dealer's license with a 5-car display lot at an existing residence and automotive salvage yard located at 6616 US Hwy 311, 23.07 acres, New Market Township, Zoning District LI, Tax ID# 7746125081.

Miller was present and explained that he is just requesting that the Board approve this permit for a small car lot and dealer's license. Miller said his junkyard has been located here since 1974 or 1975. **Brown** corrected Miller that the junkyard was created in the 1980's and **Miller** said that he is right. Miller said he has been there since 1984 or 1985. **Johnson** asked Miller if he had ever thought about screening the junkyard along the road. **Miller** said he is planning to have a fence contractor come and screen the junkyard business from view. **Brown** asked Miller if he would fence the junkyard if the permit is approved. **Miller** said he would fence the junkyard if the Board would issue the permit. Miller said that they plan to move all the cars from the front of the junk business building and will move them behind the fence that he plans to install at the building. Miller said the fence will be installed from the east side of the building to the eastern property line and a gate will be installed on the west side of the building to the western property line. Miller said he would maintain all his junk vehicles behind the

fence, out of site from Hwy 311.

Morris Rice, 1924 Cedar Road, said he owns the property adjoining the salvage yard. Rice said he would like to see the salvage yard screened along their property line. Rice said he didn't want to see the car lot right up against his property. Rice said if the number of used car lots and salvage yards continue to increase, the residential property values will decrease in this area. Rice expressed concern for the creek that runs through this property. Rice said he was opposed to another car lot in this area. **Dorsett** asked how long he has lived in his residence and **Rice** said that he doesn't live at this location. Rice said currently they don't use the property. Rice said that he felt the salvage yard and car lots in the area have devalued their property. Rice said he had thought about putting a mobile home park on his property, but he didn't think anyone would want to live next to the salvage yard. **Brown** said the salvage yard was here prior to zoning and the County could not do anything about the salvage yard continuing to operate at this location. **Rice** said he would like to see a fence run along his entire property line.

Ridge asked where the car lot would be located and **Miller** explained the lot would be in front of the salvage yard and not in front of the house.

Ridge made the motion, seconded by **Rains**, to approve the special use permit with the following conditions:

- *No junk vehicles in front of the building
- *the 5-car sales lot shall be located in front of salvage business office (no cars permitted to be parked in front of the residence)
- *fence from the salvage yard building to the east property line and a gated fence from the salvage yard building to the west property line (all junk vehicles maintained behind fence)

The motion passed unanimously.

5. **REQUESTS FOR PROPERTY REZONING:**

- A. **TROY HARTMAN**, Asheboro, North Carolina, is requesting that 8.24 acres located at 2296 Old Cedar Falls Road, Asheboro Township, be rezoned from Light Industrial/Conditional Use to Heavy Industrial/Conditional Use. Tax ID# 7761999025. The proposed Conditional Use Zoning District would specifically allow manufacturing of wire mesh in the existing facility with an 120' x 200' addition 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 recommends to the County Planning Board that this request be approved to create employment opportunities in the County with the condition of appropriate mitigation to prevent any adverse effect on neighboring properties.

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

Policy 1.6 Planning and development decisions should be based on the principle of promoting investment in Randolph County to expand employment opportunities while preserving and improving the quality of life for all county residents.

Policy 3.3 Heavy industrial sites should be separated from non-industrial areas by natural features, green belts and/or other suitable means.

Policy 7.2 Industries producing excessive noise, odor, air and water pollution, or other harmful impacts shall be discouraged, unless such adverse impacts can be clearly overcome through effective mitigation.

Hartman was present and said they would plant screening at the road so that the facility could not be seen from the road. Hartman said they plan to plant 2 rows of evergreen trees. Hartman said that currently they just store and distribute from this facility. Hartman said that currently they employ 3 employees and within 2 years they will increase the number of employees to 20-30. Hartman said the machines weave wire in the same way that cloth is woven. Hartman said that the products they produce are used in the aggregate business. Hartman said all outdoor storage will be to the rear of the facility. Hartman provided the Board with brochures describing their business. Hartman said they plan to run one shift in the beginning and hopefully two shifts later. Hartman said they plan to have the bay doors on the east and west sides of the building (not on the side of the building facing the road). Hartman described the noise level by saying they can carry on a conversation inside the building when the machines are running. Hartman said the truck traffic would probably increase from 6 deliveries to 9

deliveries each week.

Craven commented that the facility once housed the Roadway Trucking Terminal.

Dorsett asked if there was any dust created in the business and **Hartman** answered no.

There was no one present in opposition to this request.

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

- B. **KEVIN HILL**, Seagrove, North Carolina, is requesting that 8.23 acres located on Ridge Road, Richland Township, be rezoned from RA to CVOR-CU. Tax ID#'s 7675382848, 7675395001, and 7675383556. The proposed Conditional Use Zoning District would specifically allow the development of a 7-lot residential subdivision for double-wide mobile homes, site-built homes, or modular homes.

- **Neighborhood Information Meeting Summary**

A Neighborhood Information Meeting was held on January 6th. Several area citizens attended the meeting and expressed concerns that the subdivision would allow single-wide mobile homes. The residents did not appear to have any problem if the development was restricted to double-wides, modulars, or site-built homes. The developer has agreed to change the request to residential restricted (CVOR-CU) that would not allow single-wide mobile homes.

- **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 recommends to the County Planning Board that this request be **approved***

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

Policy 6.5 The protection of viable rural neighborhoods should be encouraged by compatible residential development to insure the continued existence as a major housing source

and as a reflection of the long-term quality of life in Randolph County.

Policy 8.8 *The County should seek land use decisions that continued to provide locations for affordable housing while maintaining a choice in compatible housing types in communities within the county.*

Jerry King, surveyor, represented Hill and explained that this property was originally four separate tracts of land. King said Hill has created an exempt 4-lot subdivision on this property. King said if the additional 3 lots are approved, Hill will restrict the first 4 lots with the same restrictions as being proposed on the addition. **Johnson** asked if the property has been timbered, and **King** said that Hill didn't realize that he couldn't timber the property if he planned to subdivide the property. King said Hill has agreed to plant a buffer along the front of each lot if the Board felt this was necessary. King said the subdivision down the road, called Angel Fire Acres, is an eyesore in the community. **Dorsett** asked King if Hill plans to submit the restrictions as part of the request. **King** answered yes. King said the minimum double-wide house size would be 1,300 sq. ft. King said the homes would have a permanent foundation and the yards must be maintained.

Glenn Smith, 5197 Ridge Road, Seagrove, said he lives across the road from this property. Smith provided the Board with a document with 64 names, addresses, and signatures. Smith said the document was a petition of property owners opposing this request but the document had no statement of opposition. Smith said that he had documentation of 100+ police calls that were made to the sheriff's department due to the single-wide mobile homes in the area. Smith said this mobile home development is not compatible with any subdivision on this road. Smith described two mobile home developments on Ridge Road. Smith said that one is owned by Randle Brim of the Zoning Office. Smith said when he questioned Brim he was told that his property developed in 1995-96 was grandfathered. Smith said they are asking that the Board rezone the area to disallow any additional single-wide mobile homes in this area. Smith said that the other two developments in this area are being rented by trouble makers. Smith said that this is a drug mess in this area. Smith said there have been drug needles and other trash thrown out along Ridge Road and if this type of development continues in this area, it will devalue their properties. Smith said the lots being proposed are too narrow. Smith said they are asking that only new double-wide mobile homes be allowed. Smith said that his property has been used by people in the development behind him for deer hunting without his permission. Smith said they are opposed to the number of driveways being proposed in such a short distance and he was told by NCDOT that there should be an access road created to prevent so many driveways. Smith said there is a licensed day-care across the

road from this site. Smith said there are 22 site-built homes, 8 double-wide mobile homes, and 16 single-wide mobile homes on Ridge Road.

Jason Borden, 5152 Ridge Road, said he is concerned about the number of lots being proposed. Borden said he felt this would be a strain on the groundwater table in this area and this could deplete the water supply. Borden said he is concerned that the additional septic tanks could possibly contaminate the creek to the rear of the property. Borden expressed concern about the overcrowding of the school system and that he would like to see the number of lots reduced by half. Borden said he would like to see a screen of trees along his property line on lot 7. **Dorsett** said that the Board couldn't require Hill to buffer the property line. **Borden** said that he just wanted the Board to ask Hill to consider the buffer. **Pugh** explained that in any approved subdivision the Health Department must approve the septic system for each lot prior to development.

Kathy Smith, 5175 Ridge Road, said that she operates a daycare in her home. Smith said she is concerned about the traffic and the speed limit along Ridge Road. Smith said this is a very narrow road.

Jack Smith, 5045 Ridge Road, said the main issue is the quality of life on Ridge Road. Smith said he lives beside Angel Fire Acres and there are people in that subdivision that are trouble makers. Smith said they have heard automatic weapons being fired, drag racing, and loud music. Smith said they don't need a subdivision with the density as proposed.

Thomas Cole, 5332 Ridge Road, said that Mr. Brim put two trailers behind his lot. Cole said the area was a nice area until Brim created his mobile home lots. Cole said that Mexicans stop here and look in their windows.

Kevin Boot, 5033 Ridge Road, said that they have enough Mexicans in this area.

Jackie Lancaster, 307 Ridge Road, said that she purchased her home from Mr. Hill. Lancaster said that Hill was kind enough to work out financing for her to purchase her home. Lancaster said she would like to see a lot of restrictions placed on these lots. Lancaster said that late at night Ridge Road sounds like a race track. Lancaster said that there is a good end and a bad end of Ridge Road. Lancaster said that she wouldn't have her home if Hill had not worked with her.

Monica Smith, 5197 Ridge Road, asked about the power line that runs through this property. Smith asked if people could build next to the power lines. **Pugh** said that generally the power line has a right-of-way and the property owner could use the property as long as it does not interfere with the maintenance of the power

lines. **Smith** also spoke about concern for the Hispanics renting the homes in this area. Smith said the Hispanics that live on the dirt road have been racing up and down the road. Smith said there are two Hispanic families that own trailers on Ridge Road that have a lot of traffic that only stay 10 or 15 minutes. Smith said they felt there were drug deals going on. **Dorsett** said that the Board has no control over these things and the Board must be concerned only with the compatibility of the request to the area. **Smith** asked about the impact of schools. **Dorsett** said that this issue is considered by the Board but it is not the only consideration. **Craven** explained that the impact of developments on the school system is considered by the school system

Paul Curtis, 109 Angel Fire Road, said that there has been new development on this road of 3 homes on only ½ acre. Curtis said their concern is that the area needs to be improved. Curtis asked the Board to look into the concern of the 3 homes on ½ acre.

Craven said that the Board should restrict the housing to double-wide mobile homes, site-built homes, and modular homes.

There are 28 people present in opposition to this request.

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

Pugh said that this area is within the secondary growth area to the west and rural growth area to the east of Ridge Road.

The motion passed unanimously.

- C. **DON PRITCHARD**, Asheboro, North Carolina, is requesting that 1.96 acres (out of 19.23 acres) located on U.S. Hwy 64 East (just beyond Rocky Knoll Rd), Franklinville Township, be rezoned from Residential Agricultural to Heavy Industrial/Conditional Use. Tax ID# 7772806843. The proposed Conditional Use Zoning District would specifically allow the property to be used for a private Land Clearing Inert Debris landfill (LCID) as per site plan to be used by a single grading business.

- **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 recommends to the County Planning Board that this request be approved with the following condition:

- 1. Applicant must file plans with NCDENR and comply with all state and federal regulations.**
- 2. Access must be placed on that portion of property fronting on Hwy 64 and not by the deeded easement.**
- 3. Level 3 buffers as per site plan.**

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

Policy 3.3 Heavy industrial sites should be separated from non-industrial areas by natural features, green belts and/or other suitable means.

Policy 7.2 Industries producing excessive noise, odor, air and water pollution, or other harmful impacts shall be discouraged, unless such adverse impacts can be clearly overcome through effective mitigation.

Pritchard was present and said if he could have this landfill it would help to keep his cost down for his customers. Pritchard said dumping fees have tripled to the cost of \$180 per load. Pritchard said he is aware of the State regulations.

Johnson asked about the garbage that was dumped around the rental mobile home on the property. **Pritchard** said that the trash has been cleaned up. Pritchard said the landfill would be for stumps only. **Dorsett** asked Pritchard how deep he would dig down and **Pritchard** said that he cannot dig down so deep that he traps water. Pritchard said he plans to place a berm and two rows of trees for a buffer.

Dorsett asked about the two cleared areas and **Pritchard** said that the area was cleared by his brothers about 4 years ago for a driving range. **Craven** asked if the landfill would be open to the public, and **Pritchard** answered no. Pritchard said that he plans to move the entrance from the easement that he is currently using to the land that fronts on Hwy 64. Pritchard said that he would pave the road approximately 200 ft. off Hwy 64.

Craven said there is already a good landfill on Gold Hill Road that accepts all this type of debris. **Pritchard** said that is a true statement but it costs

approximately \$180 per load to dump the debris into that landfill. Pritchard said that the cost is just too much. Pritchard said he has dumped stumps on private property and he has learned his lesson about dumping stumps.

Brenda Moore, 3305 US Hwy 64 East, said that the dirt road has caused a lot of problems for her family. Moore said that Pritchard has been selling and hauling red dirt for two years from this location. Moore said there are holes on this property approximately 60 ft. deep and that stumps have been hauled here also. Moore said they have been eating dust for 2 years from the dirt road along her mother's property line. Moore said she was painting her mother's house and had to stop because of the dust.

Johnson asked Pritchard about his right to use the 30' easement. **Pugh** asked if the easement is a recorded easement. **Pritchard** answered yes. **Moore** asked what would stop Pritchard from using the easement, and **Pugh** answered that Pritchard could abandon the use of the easement to his property if he chose to include that as a condition. **Pritchard** said he would abandon his use of the easement but the two residences on the easement would continue to use that access. **Moore** said the dust travels east and she has two small children in her family that have asthma and can't go outside because of all the dust from this road. **Pritchard** said that he could increase the paved area to 300 ft.

Debbie Milliner, another adjoining resident, said that they have such a terrible dust problem that she can dust her furniture in her residence and the dust is back in an hour. Milliner said there is no buffer to stop the dust off the new road.

Pugh asked Moore if her concern is the dust and if Pritchard continued the pavement beyond their homes would this answer her concern. **Moore** said it would answer her concern about the dust.

Pritchard said that he would offer a condition that the easement not be used for dump trucks

Debra Milliner said her house is 300 ft. off Hwy 64 and this distance would not be enough to stop the dust problem at her house. Milliner said if the road is not paved it will not stop the dust problem to just move the road. **Dorsett** said that the new road will not cause the same dust problems they have been experiencing. **Pell** asked Pritchard if he plans to plant any buffers and **Pritchard** said not at this time. **Milliner** said that she felt if Pritchard would agree to pave 400 ft. of the new road it would stop the dust problems.

Rains made the motion to recommend that this request be approved with the

following conditions:

- **applicant must file plans with NCDENR and comply with all state and federal regulations
- **access must be placed on that portion of property fronting on Hwy 64
- **level 3 buffers installed as per site plan
- **tar and gravel mixed be installed the first 500 ft. of the new road
- **existing easement shall not be used for any construction traffic

Brown seconded the motion, and the motion passed by a vote of 6 to 1. **Craven** voted against the motion.

- D. **BOBBY EARNHARDT**, Asheboro, North Carolina, is requesting that 2.54 acres (out of 10.50 acres) located at 5121 Hoover Hill Road, Trinity Township, be rezoned from Light Industrial to Highway Commercial/Conditional Use. Lake Reese Watershed. Tax ID# 7726009266. The proposed Conditional Use Zoning District would specifically allow a planned business park for retail shops and professional offices 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 recommends to the County Planning Board that this request be approved as consistent with the retail development in this area.

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

Policy 4.1 Commercial development should be encouraged to occur in clusters or planned shopping centers to minimize the proliferation of “retail strip” locations.

Policy 4.2 Highway-oriented commercial uses should be clustered along segments of arterial streets and contain land uses that are mutually compatible and reinforcing in use and design. They should be designed in a way that minimizes signage, access points and excessive lengths of commercial strip development.

Charlie Morgan, surveyor representing Earnhardt, said they are planning to construct a planned business park for commercial retail. Morgan said they would like to ask for a 70% impervious surface allocation. Morgan said they are looking to expand these plans in the future.

Johnson said that this will have a positive impact on the community. **Brown** said he felt this would be a super development.

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.

6. The meeting adjourned at 8:55 p.m. There were 42 citizens present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**

HAL JOHNSON

Planning Director

JILL WOOD

Date

Clerk/Secretary