

MINUTES

RANDOLPH COUNTY PLANNING BOARD

May 3, 2005

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, May 3, 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, present; Lynden Craven, present; Larry Brown, absent; Phil Ridge, present; Chris McLeod, present; Jim Rains, present; and Reid Pell, Alternate, (substituting for regular member Brown) present. County Attorney Alan Pugh was present for this meeting.

Johnson introduced and welcomed the Randolph Community College Film and Documentary students and their teacher, **Melinda Hunt**. Johnson explained that the students were putting together a documentary film about rural land planning and had asked to do some filming at this meeting.

3. **Craven** made the motion, seconded by **Rains**, to **approve** the Minutes of the April 5, 2005 County Planning Board Meeting. The motion passed unanimously.

4. **REQUESTS FOR PROPERTY REZONING:**

- A. **RANDOLPH GYMNASTICS ACADEMY**, Staley, North Carolina, is requesting that 4.90 acres located on US Hwy 64 East (across from Meadow Road), Franklinville Township, be rezoned from Residential Agricultural to Highway Commercial/Conditional Use. Primary Growth Area. Tax ID# 7781690833. The proposed Conditional Use Zoning District would specifically allow a gym/recreational center as per site plan.

Tana Dunlap, owner of Randolph Gymnastics Academy, was present and explained that they currently lease a 6,000 sq. ft. building just down the road from this location. Dunlap said she purchased the gymnastics program approximately 1 year ago from the YMCA. Dunlap said she felt she needed a new facility for the business to grow. Dunlap said she realized that the current location is a zoning problem and the gym needs to be moved from the industrial park. Dunlap said she has approximately 8 employees and approximately 100 students enrolled.

Dunlap said the operating hours of the gym are Monday through Saturday approximately 4 pm to 9 pm.

There was no one present in opposition to this request.

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

- B. **DENNIS & SHARP DEVELOPMENT**, Greensboro, North Carolina, is requesting that 6.21 acres located on Poole Town Road (across from Henry Parrish Road), Cedar Grove Township, be rezoned to allow an exclusive residential subdivision overlay. Secondary Growth Area. Tax ID# 7741126366. The Conditional Use Zoning District would specifically allow an additional lot in Poole Town Subdivision.

Wayne Dennis, Abby Lane, said he is only requesting one additional lot for this site-built subdivision.

There was no one present in opposition to this request.

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

- C. **SAMUEL DAVIS**, Asheboro, North Carolina, is requesting that 2.50 acres located at 2535 US Hwy 64 West, Cedar Grove Township, be rezoned from Residential Agricultural to Highway Commercial/Conditional Use. Primary Growth Area. Tax ID# 7741107859. The proposed Conditional Use Zoning District would specifically allow a mini-warehouse facility of 6 buildings as per site plan.

Davis said that he has met with the Property Development Advisory Team. **Davis** explained that he lives in the residence on the property. **Davis** said that the office would be in his home. **Davis** said that he will be the only employee. **Davis** said he plans for security lighting and fencing of the property.

Dorsett asked about the access for the buildings proposed in the rear on the property. **Davis** said he plans to construct a drive completely around each of the buildings. **Davis** said that he will build a drive to the left of the existing shop to the future buildings in the rear of the property.

There was no one present in opposition to this request.

Rains asked about the setbacks that will need to be met. **Johnson** explained that **Davis** is well aware of all the codes he will need to meet.

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

- D. **DONALD CHURCH**, Asheboro, North Carolina, is requesting that 1.00 acre located on U.S. Hwy 64 West (just past Garren Town Road), Tabernacle Township, be rezoned from Residential Agricultural to Highway Commercial/Conditional Use. Lake Reese Watershed. Secondary Growth Area. Parcel ID# 7712532088. The proposed Conditional Use Zoning District would specifically allow a used car sales lot as per site plan.

Church said he currently operates a used car sales lot in Seagrove. Church said he lives in the Tabernacle area and would like to move his business closer to home. Church said he has 2 part-time employees and would normally have 10-12 cars on the display lot. **Johnson** questioned if he plans to remove the trees on the NCDOT right-of-way. **Church** said he didn't think the DOT would have a problem with the trees being removed. **Ridge** asked about the structure he plans to place on the property and **Church** said he would have a 16' x 24' building with a handicapped bathroom. **Dorsett** asked what kind of sign would be used at the road. **Church** answered that he plans to have a 6' x 10' lighted sign. **Dorsett** asked if he would have any vehicles that did not run. **Church** answered no, that he would not have any junk vehicles on the property. **Craven** asked about the mobile home to the rear of this lot. **Church** said the property is owned by someone else but they do cross his property to access their property.

There was no one present in opposition to this request.

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

McLeod advised Church to meet with NCDOT before he removes any trees from their right-of-way.

- E. **BOB LUCK**, Asheboro, North Carolina, is requesting that 327.38 acres located on High Pine Church Road, Union Township, be rezoned from RA to RLOE-CU. Rural Growth Area. Tax ID#'s 7637653352, 7637553505, 7637642735, 7637350771, 7637233665, 7637536860, and 7637549314. The proposed Conditional Use Zoning District would specifically allow the development of a 54-lot residential rural lot subdivision for site-built homes only with a minimum house size of 1,800 heated sq. ft. Clayton Terry Tucker, R. Mark & Phyllis A. Hunt, and Emma P. Williams Heirs & Others - Property Owners.

- **Neighborhood Information Meeting Summary**

Bob Luck, developer/realtor, was present for this meeting. There were 51 concerned citizens that attended this meeting. The citizens voiced strong opposition to this request. The following concerns were noted:

1. ***Negative impact on existing well water by a potential large number of additional wells and septic tanks.***
 2. ***Increased burden of traffic on road system creating more safety problems.***
 3. ***Lot sizes need to be increased to have a lower density impact and to be compatible with existing tracts in the community.***
 4. ***A negative impact on a North Carolina Scenic By-Way.***
 5. ***Heated square footage should be increased to 2000 sq. ft.***
 6. ***The density of this development could set a precedent for future developments.***
 7. ***Increased burden on the local schools.***
 8. ***Negative impact on the wilderness area and the Uwharrie National Forest.***
 9. ***Negative impact on the serenity, quality of life, and the rural feeling of life.***
 10. ***Out of character with the existing community.***
 11. ***Covenant agreements may not be compatible with adjacent subdivision covenants.***
 12. ***Disturbing and negatively affecting the wildlife.***
 13. ***Polluting the environment and the streams, such as the South Prong of Little River.***
 14. ***Safety problems for the additional children from the government hunting lands.***
 15. ***Safety problems for children and adults wandering onto the adjacent rifle range.***
 16. ***A negative impact on the operation of the rifle club.***
 17. ***A negative impact on Randolph County Tourism.***
 18. ***A negative impact on an old cemetery.***
 19. ***The current zoning, RA, should remain unchanged.***
 20. ***A negative impact on adjoining land values.***
 21. ***A potential safety problem with old gold mines on the property site and nearby locations.***
 22. ***Negative impact on the poultry farming and other types of farming in the community.***
 23. ***The residential setbacks are inadequate being adjacent to the Uwharrie National Forest.***
 24. ***Inadequate access to the property development.***
- ***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. The staff noted that this proposal exceeds the Rural Growth Management Policies established by the Board of County Commissioners.

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

Policy 2.14 The County should encourage the use of rural lot subdivision designs in those areas where it is found necessary to maximize the infiltration of precipitation to a private well water field and insure sustainable groundwater supplies.

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 6.23 The County should encourage the use of rural lot subdivision designs where the size of lot allows for open space and groundwater recharge areas preserved by careful siting of the principal and accessory uses as noted through subdivision plat notations and related deed restrictions.

Johnson gave a summary of the Growth Management Plan and regulations that were established in 2002 by the County Commissioners to protect the rural community. Johnson also explained that up until that time a private road would have been allowed in a development of this kind. Johnson said that the minimum lot size for a development like this is now 3 acres and prior to 2002 the minimum proposed lot size would have been 40,000 sq. ft.

McDowell excused himself from this request due to a conflict of interest. McDowell then left the meeting for the night.

Ben Albright, Attorney representing the developers, 3157 Old Coleridge Road, Siler City, discussed the comprehensive Growth Management Plan supported by the Planning Board and adopted by the Board of County Commissioners in 2002. Albright said that process took a lot of work by both Boards and at that time this area was determined to be a Rural Growth Area that requires a minimum lot size of 3 acres for major subdivision development. Albright quoted from the Growth Management Plan stating the Plan is also intended to provide landowners, homebuilders, land developers and other real estate interests with some level of

confidence in determining where to pursue various development opportunities.
Albright said he has examined some comments that were raised at the Neighborhood Information Meeting concerning the following issues:

Health Issues of Water Quality

Albright said this was taken into account when the Growth Management Plan was created. Albright said that the plan provides a large lots subdivision option to *preserve groundwater recharge areas.*

Traffic

Albright said the additional traffic would not exceed the construction standards that High Pine Church Road was constructed by.

Safety of the Neighborhood Children

Albright said that they would consent to the fact that there are some safety concerns. Albright talked about the existing government land that is used for hunting. Albright said that currently the rear setback requirement for each lot is 30 ft. and they would agree to a new setback of no permanent structures within 50'. Albright discussed the gun club activities. Albright said that this could be property rights being controlled by adjoining land owners.

Gold Mines

Albright said they have sent a surveyor to this property and no mines have been found on this property.

Historical Character and harmony of neighborhood

Albright said most home lots in the area are less than 7 acres. Albright said the average lot size being proposed is 5.8 acres. Albright said that his client has spent over \$6,000 for soil testing and some proposed lots will have to be combined.

Scenic byways

Albright said that the first lot is over 500 ft. from High Pine Church Road.

Proposed house size

Albright said that his clients are amending their request to increase the minimum house size increased from 1800 sq. ft. to 2000 sq. ft. to be compatible with the adjoining subdivision.

Wildlife

Albright said there are 3000 acres protected for wildlife next to this property.

Farming

Albright said the nearest farm is located on down the road from this site (not adjoining this development).

School crowding

Albright said that most 2000 sq. ft. homes are normally a second home (rather than a starter home). Albright said these homes will cost approximately \$250,000 - \$300,000.

Adjoining property values

Albright said they didn't feel this development would affect property values negatively.

Proposed private restrictions

Albright said his clients have agreed to remove #13 completely and no modification of the restrictions would be allowed.

Albright said that he realized that the issue that needs to be addressed is if the portion of this property adjoining High Pine Church Road is restricted and if a public road would be permitted on this portion of property. Albright said that this issue should be decided in the courts and not by this Board. Albright said he felt this Board should look at this more from a land development standpoint. Albright said they do believe that they have the right to cross the property. Albright said that there is some case law that addresses this issue. Albright said that this is a private right and case law should not be argued in this forum.

Dorsett asked about the deed accesses to this property. **Albright** said that those are private drives and would not be accesses to the development. Albright asked **Mack Summey**, Summey Engineering Associates, to come address some minor lot changes in this proposal. Summey said that they have combined 4 lots (adjoining the Terry Tucker property) and reduced those lots to 2 lots. Summey provided the Board with a new map. **Johnson** questioned the perking of the property. **Summey** said that the lots would probably be reduced into the 40's instead of 54 lots because of some perking problems.

Ridge asked about buffers adjoining the gun club. **Albright** said that the area near the club has some perking problems and probably the size of those lots would be increased. Albright said that if the adjoining property has hazardous activity they should be responsible for their activities, not the adjoining property owners. **Ridge** said that he felt there should be 50' no-cut buffers along the wildlife land and adjoining the gun club.

James Young, 5242 High Pine Church Road, poultry farmer, spoke in favor of this development. Young said that they are not out to close the gun club down. Young said they have offered to exchange land with the gun club, but the club has not taken them up on their offer. Young said they contacted the U.S. Forestry Service and they didn't have the money to purchase the property. Young said that

developer Ronnie Hinshaw has offered over \$1000 per acre less than this development group. Young said that the timber on the land is worth more than Hinshaw's offer. Young said that Hinshaw has violated their own deed restrictions (in High Pine Acres) by dividing and re-dividing their development lots. Young said that Scott, Parks, and Jones don't want them to be able to sell the property. Young said that Dr. Jones' group (Yadkin/Pee-Dee) bought the Millikan place and told the Millikan heirs that they would keep the property as it is and has now sold it to a Charlotte Doctor. Young said Tucker has been open and honest with their family. Young said you can see over 20 homes from Dr. Parks' home to the highway. Young said you will not see any of these homes from the road. Young spoke of the trucking company on the road. Young said that the community enjoys riding horses, 4-wheelers, etc. on this property without having to purchase or pay taxes on the property.

Jon Megerian, attorney, Asheboro, said that he is happy to see the lot numbers reduced. Megerian spoke of the so called conspiracy. Megerian said that this is a rural area and the gun club or anything else doesn't need to move. Megerian said that 40-50 homes is a suburban area not a rural area. Megerian said that he took the case law, that disputes Albright's claim that his clients have the right to build this thoroughfare, by Mr. Pugh's office yesterday. Megerian quoted from the County Zoning Ordinance, if for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid or if the applicant should fail to accept any condition, it is the intent of this chapter that the authorization of such Conditional Use Permit shall be null and void and of no effect and this is why Albright doesn't want to talk about this issue. Megerian said that this map is a condition and the map is invalid and the access is invalid. Megerian said this all by itself is a good reason to turn this plan down. Megerian said the property has no access. Megerian said that one of the reasons no one is interested in buying the property is because the property has no access. Megerian discussed the kind of property in this area as an average of 38 acres per tract. Megerian said these lot sizes are more than the minimum required but it is not in the ordinance that this must be rezoned. Megerian said that the County Commissioners are being asked to make a legislative decision and are not required to rezone the property for this request. Megerian said the Rural Growth Management Area is described as traditional agricultural lands. Megerian said these lots are not scattered farms for this area. Megerian said the property is hidden from the road but it is not hidden from the adjoining properties. **Megerian asked for a show of hands of those present in opposition, and 82 people were present in opposition to this request.** Megerian said the Growth Management Plan provides protection of viable neighborhoods and policies to prevent "leap frog" development. Megerian said the Plan references "unique features" within the Rural Growth Management Policies. Megerian said all of these "unique features" are here and should be protected. Megerian described one of the unique features being the scenic byway of the Burkhead Wilderness Route that extends down High Pine Church Road

Megerian said the Ordinance does not call for this type of development in this scenic byway. Megerian presented pictures of the High Pine Church Road and Fiddler's Creek Road area. Megerian described blind spots and curves in the road and said he saw only 2 vehicles come down the road while he was there. Megerian said that the loudest thing he heard before Billy Maness drove up on his tractor was the wind. Megerian said that if this development was approved the traffic would be increased by 30% and the schools here are already 30% over capacity. Megerian said there is no logic in saying that just because the homes are large there will be no kids. Megerian said this is just not logical. Megerian said these pictures show what the property looks like now. Megerian presented a picture of fiddler's cove and private road, and the existing development (High Pine Acres) is not a violation of the law or private restrictions. Megerian said that no one has said this new site will not be clear-cut. Megerian said that the developers are not reducing the number of lots because of the community's concerns. Megerian said they are merely reducing the number of lots because the property will not support 54 building lots. Megerian said it is not a concession to say that you plan to put in as many houses as the land will support. Megerian quoted statistics that came from the Development Impact Analysis and said the average acreage tract within one mile of this site is 38.63 acres. Megerian questioned the statistical data provided by the Board of Education and explained that he has been told that there are 1239 students at Southwest Randolph High School. Megerian said this school was built for a capacity of 970 students. Megerian said the school system projects the high school will have a capacity of 1296 students next school year. Megerian said we are a long way from water and sewer availability in this area and the 54 new septic tanks and wells could place a burden on the area. Megerian said this proposed development would be a disaster for this area and the only thing offered by Albright for the Board to consider is they have more than 3 acres per lot. Megerian said that this is a consideration but there are many more issues the Board should consider.

Dr. Bob Scott, 2097 Fiddlers Creek Road, said that he bears no hard feelings toward the Youngs, Rices, and all of their family. Scott said that he purchased land here to move out of the city. Scott said that he realized the odors, noise, and commercial traffic in the area before he purchased his property. Scott said the one consistent thing is the large tracts of land. Scott said that he owns 14+ acres and is one of the small landowners in the area. Scott said he did think there needed to be some diversity to areas in the county. Scott said that we don't need to pepper the community with large subdivisions. Scott said that he counted the number of homes built in the area. The proposed development would double the number of houses in the area, and the proposed lot sizes are 1/4 or less in size. Scott said that public policies and minimum standards are necessary for the planning staff to see are met but the Board is charged with a greater responsibility to see that the plan is in harmony with the Growth Management Plan. Scott said in the last 10 years approximately 20 homes have been built in this area. Scott

presented pictures of school traffic from 7:30 am - 8:15 am in the area. Scott said that he hoped from a public policy standpoint that the Board would consider traffic during the high traffic times. Scott said the Burkhead Mountain area is designated as Federal lands. Scott said this tract is like a piece of a missing puzzle. Scott said there is some interest in some private foundations for properties such as these. Scott talked about the scenic byways in the state and said this could change public policy to change this zoning. Scott said the gun club has been here for 30 years, and consideration must be given to people that pre-date this development by 30 years. Scott discussed well water problems with deep wells and poor water on some properties. Scott said that the State feels the Little River is the cleanest water in the state. Scott said that he didn't feel the County should permit a property owner to develop the maximum number of lots in this area. Scott said that outlying subdivisions cost the county more in taxes for the construction of schools, traffic lights, road widening, etc. Scott discussed commercial possibilities such as pottery shops, small bicycle shop, etc. for the area instead of residential development.

David Jones, Director of N.C. Zoo, Chairman of Yadkin-Pee Dee Projects, said there is a critical need to diversify the job industry in the County. Jones said that Randolph County has outstanding areas of beauty for the state. Jones said there would be an economic benefit to retain the Uwharries to create jobs and attract good new business. Jones said it is important for the County to have opportunities for outdoor recreation. Jones said once you destroy the character of any area you cannot recreate its character in the future. Jones warned against subdivisions of this size in this area.

Ray Hargett, Randolph Rifle Club, said they are a private shooting club that has operated for over 38 years and for 30 years at this location without incident. Hargett said that heavily developed areas adjacent to shooting ranges will generate complaints. Hargett said this development will increase the possibility for children wandering on their land.

Kevin Redding, Land Trust for Central North Carolina, 201 S. Fayetteville St, Asheboro, said that in the recent past they have worked with securing funding for the natural trail in the Burkheads. Redding said they were able to get funding through their congressman to purchase land that filled in one of the gaps. Redding said that he is not speaking against the development but they are working to protect the area. Redding said they are a non-profit organization but they can work with foundations to raise funds to purchase lands.

Bob Edwards, 3618 High Pine Church Road, discussed the issue of water. Edwards said his well is 540 ft. deep, and he gets 1 ½ gallons per minute. Edwards said additional wells could damage their well water supply. Edwards said that Randolph County is not planning water in this area. Edwards discussed

the covenants of High Pine Acres. Edwards said the covenants are for residential purposes only, and they never expected a paved public road to access adjoining property. Edwards said they have increased the minimum house size because he gave these restrictions to Johnson at the NIM meeting. Edwards said that they built a large home to comply to their restrictions. Edwards said that there are 50 acres included in this new development that are going to comply also. Edwards complimented the County on the development of the GIS system.

Ronnie Hinshaw, 2148 Cedar Rock Mtn. Road, said he has not made an offer to purchase the property and has had no vision to develop the property. Hinshaw said if he did develop the property it would be developed like High Pine Acres (large tracts). Hinshaw said he is a poultry farmer and has had a lot of water problems here. Hinshaw said he has had two wells go dry and has had to go 2000 ft. from his house to find water. Hinshaw said he felt the County should make provisions for their children, grandchildren, and great grandchildren when making land development decisions.

Billy Maness, 3794 High Pine Church Road, described this area as country. Maness said he lived in a subdivision in Asheboro and he moved here to get out of a subdivision. Maness said that he hunts and he didn't think a 50 ft. buffer would be enough to protect this property from the government land. Maness said Mark Hunt sold him his property and agreed to not sell any more property. Maness said that he has been a police officer for 23 years and he moved here to get out of the hustle and bustle of the city. Maness said this development will drive the wildlife away from his property. Maness said they may have spent over \$20,000 to propose this development but he has paid over \$200,000 to purchase his home here to raise four kids. Maness said this new road is being proposed in a curve and would increase the number of accidents on High Pine Church Road. Maness said when he built his home the area was zoned Residential/Agricultural and he didn't think it would be fair to change it now.

Ben Millikan said his family had 500 acres down the river from this site. Millikan said he has heard the land has been resold and that the lady that has purchased the land is a conservationist.

Young said that it is 3.2 miles to Dr. Parks' home. Young said there are 29 homes with an average of 6 acres to each home site in this area. Young said if there are 82 people that live this close to this property; there is already a small town here. Young said they have bent over backwards to work with everyone to sell this property. Young said if they are not able to develop the property, they will have to clear cut the property to be able to continue to pay the taxes on the land.

Albright asked how many people were present in opposition to this request

that live within 2 miles. 41 people stood in opposition.

The Land Conservatory is interested in the land but they don't have the money to purchase the property. Albright said he didn't feel it would be fair to make the landowner wait.

Dorsett said his main concern was the mines. Dorsett said when he looked at this proposal he realized there was a great difference between the wilderness area and the proposed housing development. Dorsett said there needed to be a transition area between the two land uses. Dorsett said he didn't feel 50 ft. would be an adequate buffer.

County Attorney Pugh said the points the Board has heard about the access are correct. Pugh said this issue is not cut-and-dry, but the Board can consider this issue. Pugh said the issue of lot sizes described by Albright is correct and the other issues (schools, water, etc.) described by Megerian are also correct, but the Board is free to make this decision. Pugh said there have been compelling arguments made by both sides. Pugh said his conclusion is the Board has to take these arguments into consideration but the Board can make its decision based on what the Ordinance says and the public policy implications. Pugh said the point is the Board has the flexibility to make the decision of what is in the best interest of the County.

Ridge asked Dorsett what no-cut buffers he felt would be reasonable. **Dorsett** said he felt the Board should ask for an adequate buffer, but he is not an expert to determine what would be adequate. **Ridge** said he did feel the area should be preserved but the developer has gone above what our ordinance requires. Ridge says the 6-7 acres would be considerably more than what is required.

Rains said there are a couple of things he felt needed to be addressed. Rains said the no-cut buffer and the number of lots decreased by perk test. Rains said there is also a change in access to some of the lots. Rains said that he didn't feel it would be fair to hold up a decision based on what-if, but there are some significant issues about the access.

Pugh said there are some serious issues about the access to this property. Pugh said if the Board thinks this is a reason why the subdivision should not be approved at this time, the Board would be within its legal rights to turn the request down on that basis.

Dorsett said that he didn't feel it was appropriate for this Board to consider turning the request down for that reason because if the developers don't have the right-of-way, they can't develop the subdivision. Dorsett said he felt this issue was secondary.

Ridge said he didn't feel the County Commissioners would want to make a decision on this request with this issue unresolved. **Pugh** said that they have denied requests based on this issue.

Rains asked if the applicant could withdraw the request and come back after the issue is resolved. **Dorsett** said he would hesitate to require that because of the investment the developer would have to make without any assurance that the property could be developed.

Craven asked about the buffers and the access being settled by the Planning Staff before the County Commissioners meeting. **Johnson** said the staff can work with the buffers but the access is a legal issue that would have to be settled by the Courts. **Pugh** said that the access would have to be settled and there will be no subdivision built until the access was resolved.

McLeod said this is the first subdivision he has seen come before this Board with this many acres in each lot.

Rains said he felt it was the Planning Board's responsibility to flush out the unresolved issues before sending these requests to the Commissioners. Rains said that if we see it's not going to work, we should n't approve it.

Rains made the motion to deny the request. **Ridge** seconded this motion. **Pugh** said the Board is not being confronted with a problem of so many people present in opposition but rather a problem with the ordinances. The ordinance describes a rural growth area and the same ordinance allows a development of 3 acres. The property owner and the developer followed the county's zoning ordinance. Pugh said those who live in this area are confronting the Board with the conflict that this type of development/request is possibly not appropriate for their community. Pugh said our zoning ordinance does not adequately address this most rural area of Randolph County.

Rains presented the following reasons for his motion:

- **an unresolved issue about the access of the site
- **not accurate plan (number of lots being asked to consider is not the same as the site plan provided to the Board)
- **no buffers being presented
- **incompatible to the nature of area
- **the nature of the ordinance

The motion passed by a vote of 5 to 1, **McLeod** voted against the motion.

- F. **DERRICK CAUDILL**, Asheboro, North Carolina, is requesting that 32.63 acres

located on Pleasant Ridge Road (at the Grantville Lane intersection), Franklinville Township, be rezoned from RA to CLOE-CU. Municipal Growth Area. Tax ID# 7791857467. The proposed Conditional Use Zoning District would specifically allow the development of a 23-lot residential cluster subdivision (50% open space and minimum lot sizes of 20,000 sq. ft.) for conventional modular homes or site-built homes.

- **Neighborhood Information Meeting Summary**

Neither the developers, Derrick & Michael Caudill, nor their surveyor, Jerry King, attended this meeting. Concerned citizens stayed for almost two hours (5-7 pm) to meet with the developers to discuss their concerns with the proposed subdivision. Several were disappointed in not being able to meet the developers to discuss the proposed subdivision. There were eleven (11) citizens present and all seemed to express opposition to the request. The following concerns were noted by those present:

1. *No representative present for the meeting.*
2. *Encroachment into an existing agricultural community.*
3. *Negative impact on existing well water.*
4. *Additional burden on the local schools.*
5. *Limited perk sites (soils appear to be poor in many areas of the property).*
6. *Inadequate buffers provided on the site plan.*
7. *Proposed new street is in a curve causing a safety problem.*
8. *Higher density would be incompatible with existing deer hunting.*
9. *Negative impact on surrounding wildlife.*
10. *Too many small lots, incompatible with adjacent large tracts. Lot sizes should be larger.*
11. *Incompatible with the community, this concentrated type of clustering does not fit the community.*
12. *Poor site planning, the lots should be designed to the interior rather than being concentrated to one side.*
13. *Opposed to manufactured housing.*
14. *Increased traffic would overburden the existing road system.*

- **Technical Review Committee Recommendation**

*The Technical Review Committee met and found that the proposal is not 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 **DENIED** as the proposal is out of character with community. The proposal is not an open space design where amenities are accessible to all of the*

proposed lots. The small lots and their location on the main parcel would impose hardships and would not be compatible with adjoining properties. Although this property is located in a Municipal Growth Area, there are no indications as to when or if Ramseur would extend sewer to this area. It should also be noted that all the required paperwork (ex. Open space ownership, maintenance agreements, etc.) has not been submitted to the Planning Department.

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 6.13 Conventional Residential Subdivisions are anticipated of similar housing characteristics to the community.

Johnson said this is not a conservation subdivision, this is a cluster subdivision where all the lots are being clustered to one side of the property.

Jerry King, surveyor, said this is a cluster subdivision designed to utilize area that is not suitable for a conventional subdivision. King said the perk areas are limited and the lots have been clustered to best utilize the area. King said they plan to buffer along the road and the west side of property. King said they also plan to plant a buffer on the east side of the property. King said there are 32.2 acres, and the average proposed lot size is 24,000 sq. ft. King said the minimum house size would be 1,400 sq. ft. King said that after the NIM meeting because of community concern, the developers decided not to propose double-wide homes in their request.

Johnson said that this is in a municipal growth area. Johnson asked if Ramseur has considered extending their services into this area and **King** answered no.

Paul Montgomery, adjoining resident and landowner (north side of property), said he moved here approximately 3 months ago. Montgomery said he purchased 5.2 acres and has horses on his property. Montgomery said that all his neighbors own large farms. Montgomery said a week before he closed on his property, he saw activity on this property and asked his realtor about it. Montgomery said that he was told maybe they were planning a fence. Montgomery said he felt this major subdivision would not be appropriate in this farming community. Montgomery said he felt it should be divided into three 10-acre tracts.

Montgomery presented a petition of 39 signatures from neighbors in opposition to this request. Montgomery discussed water concerns, especially for his farming neighbors. Montgomery discussed concerns for a stream that crosses this property and his property. Montgomery said he called Ramseur about this development and Ramseur said that they didn't know about this development. Montgomery said that he was told by Ramseur that when they could afford it, they would move their jurisdiction out here. Montgomery said he was told by a lady at the town hall that he would have to get rid of his farm animals at that time. Montgomery asked if he would not be grandfathered in and Ramseur said they didn't use that word. Montgomery expressed concern for this number of septic tanks being concentrated next to his property.

Darrell Wright, 3540 Wright Farm Lane, said that he farms most of the property that adjoins this property. Wright said his biggest concern is that this property is wet-natured land. Wright said there is no way this many homes could go on this property. Wright said they are having problems with 4-wheelers on their property without permission now. Wright said this would only increase this problem. Wright said that people move out here and buy an acre of land and think the farm land is their play area. Wright said that he spreads chicken litter on the land adjoining this property.

Merita Wall, 747 Pleasant Ridge Road, said that there are approximately 1400 acres of farm deferred land in this area. Wall said they have crops, cattle, chickens, etc. that would be affected by the subdivision. Wall said that she is concerned about the open area becoming housing sites in the future. Wall said she does appreciate the developers dropping the double-wide mobile homes from the request. Wall said there is a potential traffic hazard with the curve and Grantville Lane intersection. This type of development will attract young families and would be an added burden to the school system. Wall asked for the Board to help protect their farmland and deny this request.

Everette Wright, adjoining land owner, said that he was raised beside this property. Wright said they would like to see fewer houses. Wright said the area where the septic tanks are being proposed is a wet area. Wright said that he felt this would be a disaster waiting to happen.

There were 12 people present in opposition to this request.

King said he respects the farmer but the zoning will not affect their farming. King said the wells and septic tanks will be governed by the County. King said the developers would sell the property to anyone that would be willing to purchase the property. King said the road will have to meet DOT standards. King said that cluster subdivision is the coming thing in development in this country. King said that older people are the ones looking for these lots for less

upkeep.

Craven said he is familiar with this area and this proposal is not compatible in this rural area. Craven said the proposal is totally out of character with the community. Craven said the open space on the west side of the property will not be able to be accessed by all the lot owners. Craven said the area where the septic tanks are being proposed is a very wet area. **Craven** made the motion, seconded by **Rains**, to recommend to the Commissioners that this request be **denied**. The motion passed unanimously.

- G. **SHERRI WILLARD**, Randleman, North Carolina, is requesting that 17.59 acres located on Red Lane Road, Providence Township, be rezoned from RA to RLOM-CU. Polecat Creek Watershed. Secondary Growth Area. Tax ID# 7777491204. The proposed Conditional Use Permit would specifically allow the development of a 4-lot residential subdivision for mobile homes, modular homes, or site-built homes. Viola Frazier Cox - Property Owner.

- **Neighborhood Information Meeting Summary**

The property owner/developer and surveyor attended this meeting. Five (5) citizens attended the meeting to receive information concerning this request, but there was no opposition noted.

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that the proposal is 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.

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 6.13 Conventional Residential Subdivisions are anticipated of similar housing characteristics to the community.

Viola Cox, 150 Small Road, Randleman, said she is wanting to divide the property to give a portion to each of her four daughters. Cox said this property

was left to her through the Cox family. Cox said that her husband was dead when the property was divided, so they put the land in her name. Cox said this would be giving her daughters their inheritance from their father.

Jerry Kennington, 1144 Red Lane Road, said that he moved his family here less than a year ago. Kennington said the property was not zoned for single-wide mobile homes when he purchased his property. Kennington said the Board has denied a 6-space mobile home park proposed on this road. Kennington said there is a mix of homes on this road. Kennington said all the double-wide mobile homes are permanently underpinned, and single-wide mobile homes will decrease land values in the area. Kennington said he was surprised that he was here alone because his neighbors had told him they were also concerned.

Cynthia Cox Routh, owner of lot 2A, said that she is a single grandparent raising three grandchildren and she is also disabled. Routh said she is living in a single-wide mobile home in a mobile home park. Routh said she would like to move her home to this land that she has inherited from her father. Routh said she wants to raise her grandchildren here on family land. Routh said that this will not be a mobile home park and there will not be any renters.

Kennington said that he has lived in single-wide mobile homes but he didn't feel they should be allowed here.

There was only one person present in opposition to this request.

McLeod made the motion to recommend to the commissioners that this request be **approved** with the condition that only lot 2A be allowed to have a single-wide mobile home. **Pell** seconded this motion and the motion passed unanimously.

- H. **DEEP BLUE INVESTMENTS, LLC**, Asheboro, North Carolina, is requesting that 32.28 acres on Chaney Road, Franklinville Township, be rezoned from RA to CVOE-CU. Secondary Growth Area. Tax ID#'s 7781837781, 7781839106, and 7781931114. The proposed Conditional Use Zoning District would specifically allow the development of a 29-lot residential subdivision for site-built homes only with a minimum house size of 1,400 sq. ft. Jerry & Clayton Sykes - Property Owners.

- **Neighborhood Information Meeting Summary**

The developer, Lee Roberts, attended this meeting. Five (5) citizens attended the meeting to receive information concerning this request, but there was no opposition noted.

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that the proposal is 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 as consistent with existing development in the area.

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 6.13 Conventional Residential Subdivisions are anticipated of similar housing characteristics to the community.

Policy 6.14 Residential subdivisions should, in order to promote efficiencies in the delivery of urban services, be encouraged to develop in a fashion which minimizes “leap frog” development (i.e. leaving large vacant areas between developments).

Lee Roberts, developer, was present and presented the Board with soil and topography maps of the property. Roberts described the soil as perfect for a conventional subdivision. Roberts said that there will be no new driveways off of Chaney Road. Roberts said they plan to plants buffers along lots 10 and 11. Roberts said the house sizes would be a minimum of 1400 sq. ft. underroof (no less than 1250 of which is heated).

There was no one present in opposition to this request.

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

5. The meeting adjourned at 10:08 p.m. There were 121 citizens present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**

HAL JOHNSON

Planning Director

JILL WOOD

Date

Clerk/Secretary